

# Bulletin

OF THE

## INTERNATIONAL LABOUR OFFICE

### NATIONAL LABOUR LEGISLATION.

NORWAY: Industrial Disputes Act, 1915.  
Factory Act, 1915.

### WAR EMERGENCY LEGISLATION.



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# Bulletin

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## INTERNATIONAL LABOUR OFFICE

NOTE.—The German, French, and English editions of the *Bulletin* are referred to as G.B., F.B., and E.B., respectively.]

### National Labour Legislation

#### 1. LAWS AND ORDERS

##### 1. British Colonies

###### AUSTRALIA.

###### (A) AUSTRALIAN COMMONWEALTH.

1. An Act to amend the Commonwealth Electoral Act, 1902-1909. (No. 17 of 1911.) Assented to 22nd December, 1911.
2. An Act to amend the Sugar Bounty Act, 1905-1910.\* (No. 12 of 1912.) Assented to 29th October, 1912.
3. An Act to grant and apply out of the Consolidated Revenue Fund a sum for Invalid and Old Age Pensions. (No. 16 of 1912.) Assented to 6th November, 1912.
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5. An Act to repeal the Sugar Bounty Act, 1905-1912.† (No. 26 of 1912.) Assented to 24th December, 1912.
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\* Act of 25th October, 1910. Extract E.B. VII., p. 324, No. 9.

† See No. 2 above.

‡ Act of 10th June, 1908 (Text E.B. III., p. 245); Act of 13th August, 1909 (Text E.B. V., p. 252); Act of 13th December, 1919 (Text E.B. VII., p. 324, No. 3).

7. An Act to amend the Manufactures Encouragement Act, 1908.\* (No. 28 of 1912.) Assented to 24th December, 1912.
  8. An Act relating to Compensation to Workmen employed in the service of the Commonwealth for injuries suffered in the course of their employment. (No. 29 of 1912.) Assented to 24th December, 1912.
  9. An Act to provide for Bounties on wood pulp and rock phosphate and rewards for the discovery of rock phosphate. (No. 32 of 1912.) Assented to 24th December, 1912.
  10. An Act relating to the Inter-State Commission. (No. 33 of 1912.) Assented to 24th December, 1912.
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  15. An Act to provide for the construction of a railway in the Northern Territory from Pine Creek to the Katherine River, the appointment of officers, the making of charges, and the appropriation of money in connection with such railway. (No. 21 of 1913.) Assented to 19th December, 1913.
  16. Provisional Regulations under the Wood Pulp and Rock Phosphate Bounties Act, 1912.† (Statutory Rules 1913, No. 100.) 4th April, 1913.
  17. An Act to amend the Commonwealth Conciliation and Arbitration Act, 1904-1911.‡ (No. 5 of 1914.) Assented to 10th October, 1914.\*\*
  18. An Act (No. 2) to amend the Commonwealth Conciliation and Arbitration Act, 1904-1911. (No. 18 of 1914.) Assented to 7th December, 1914.\*\*
9. (Substituted by No. 18, 1914, §2.) (1) An employer shall not dismiss an employee, or injure him in his employment, or alter his position to his prejudice, by reason of the circumstance that the employee—
- (a) is an officer or member of an organisation, or of an association that has applied to be registered as an organisation; or
  - (b) is entitled to the benefit of an industrial agreement or an award; or
  - (c) has appeared as a witness, or has given any evidence, in a proceeding under this Act.
- Penalty: Fifty pounds.
- (2) An employee shall not cease work in the service of his employer by reason of the circumstance that the employer—

\* Act of 14th December, 1908 (Extract E.B. V., p. 251).

† Text E.B. X., p. 256, No. 9.

‡ Act of 13th December, 1909 (Text E.B. VII., p. 112); Act of 29th August, 1910, (Text E.B. VII., p. 114); Act of 23rd November, 1911 (Text E.B. VII., p. 117).

\*\* Instead of the texts of this and the following Amending Acts, we give below in their new form those sections of the Principal Act which were modified by the Amending Acts.



(a) is an officer or member of an organisation, or of an association that has applied to be registered as an organisation ; or

(b) is entitled to the benefit of an industrial agreement or an award ;  
or

(c) has appeared as a witness, or has given any evidence, in a proceeding under this Act.

Penalty : Twenty-five pounds.

(3) No proceeding for an offence against this Section shall be instituted without the leave of the President or the Registrar.

(4) In any proceeding for an offence against this Section, if all the facts and circumstances constituting the offence, other than the reason for the defendant's action, are proved, it shall lie upon the defendant to prove that he was not actuated by the reason alleged in the charge.

(5) The Attorney-General may direct that the whole or any part of any penalty recovered under this Section may be paid to the person injured by the offence.

10. (Repealed by No. 18, 1914, §2.)

14A. (Inserted by No. 5, 1914, §2.) Whenever the President is out of the Commonwealth or is for any reason unable to appoint a deputy, the Governor-General may appoint any Justice of the High Court or Judge of the Supreme Court of a State to be the deputy of the President in any part of the Commonwealth, and in that capacity to exercise, during the pleasure of the Governor-General, such powers and functions of the President as the Governor-General thinks fit to assign to such deputy ; but the appointment of a deputy shall not affect the exercise by the President himself of any power or function.

19. (Amended by No. 7, 1910, §4 ; No. 6, 1911, §10 ; and No. 18, 1914, §3.) The Court shall have cognisance, for purposes of prevention and settlement, of the following industrial disputes :—

(a) All industrial disputes which are certified to the Court by the Registrar as proper to be dealt with by it in the public interest ;

(b) All industrial disputes which are submitted to the Court by an organisation, or by an association registered for the time being as an organisation, by plaintiff ;

(c) All industrial disputes with which any State Industrial Authority, or the Governor in Council of a State in which there is no State Industrial Authority, requests the Court to deal ; and

(d) All industrial disputes as to which the President has held a conference under §16A of this Act, and as to which no agreement has been reached, and which the President has thereupon referred to the Court.

19A. (Inserted by No. 18, 1914, §4.) A plaintiff by which an industrial dispute is submitted to the Court shall be deemed to have been submitted by the organisation by which it purports to have been submitted unless evidence is given on behalf of that organisation that the plaintiff was not in fact submitted by that organisation.

21. (Amended by No. 6, 1911, §11, and No. 18, 1914, §5.) A certificate by the Registrar that a specified industrial dispute exists, or is threatened or impending or probable, as an industrial dispute extending beyond the limits of any one State shall be *prima facie* evidence that the fact is as stated.

21AA. (Inserted by No. 18, 1914, §6.) (1) When an alleged industrial dispute is submitted to the Court—

(a) in the case of a dispute submitted to the Court by plaintiff—the complainant or respondent organisation or association ; and

(b) in any other case—any party to the proceeding or the Registrar may apply to the High Court, for a decision on the question whether the dispute or any part thereof exists, or is threatened or impending or probable as an industrial dispute extending beyond the limits of any one State or on any question of law arising in relation to the dispute or to the proceeding or to any award or order of the Court.

(2) The High Court shall have jurisdiction to hear and determine the question.

(3) The jurisdiction of the High Court under this Section may be exercised by any Justice of the High Court sitting in Chambers.

(4) The decision of the Justice on the question shall be final and conclusive, and shall not be subject to any appeal to the High Court in its appellate jurisdiction, and shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition mandamus or injunction, in any court on any account whatever.

21B. (Inserted by No. 18, 1914, §7.) A list of the members and officers of an organisation or association filed with the Registrar on behalf of the organisation or association shall be evidence that the persons named in the list were, at the date when the list was filed, members and officers of the association, and that such officers were duly appointed.

22. (2) (Added by No. 18, 1914, §8.) A certificate by the Registrar in accordance with paragraphs (a) or (b) or (c) of Sub-section (1) of this Section shall be conclusive evidence of the facts stated therein.

24. (Amended by No. 6, 1911, §12, and by No. 18, 1914, §9.) (1) If an agreement between all or any of the parties as to the whole or any part of the dispute is arrived at, a memorandum of its terms shall be made in writing and certified by the President, and the memorandum when so certified shall be filed in the office of the Registrar, and unless otherwise ordered and subject as may be directed by the Court shall, as between the parties to the agreement, have the same effect as, and be deemed to be, an award.

29. The award of the Court shall be binding on—

(b) (Substituted by No. 18, 1914, §10) all parties who have been summoned to appear as parties to the dispute, or required to answer the claim, whether they have appeared or answered or not, unless the Court is of opinion that they were improperly made parties ;

(ba) (Inserted by No. 18, 1914, §10) in the case of employers, any successor, or any assignee or transmittee of the business of a party bound by the award, including any corporation which has acquired or taken over the business of such a party.

31. (Amended by No. 18, 1914, §11.) (1) No award or order of the Court shall be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition mandamus or injunction, in any other Court on any account whatever,

(2) (Amended by No. 6, 1911, §14.) The President may, if he thinks fit, in any proceeding before the Court, at any stage and upon such terms as he thinks fit, state a case in writing for the opinion of the High Court upon any question arising in the proceeding which in his opinion is a question of law.

38 (da). (Inserted by No. 18, 1914, §12.) To order compliance with any term of an order or award proved to the satisfaction of the Court to have been broken or not observed.



## PART V.—ORGANISATIONS.

*Registries and Registrars.*

51. The Governor-General may—

(a) establish a Principal Registry for the registration of organisations ;

(b) establish District Registries for the registration of organisations ;

(c) appoint an Industrial Registrar and Deputy Industrial Registrars.

52. (1) The Principal Registry shall, when the seat of Government is established within Federal territory, be situated at the seat of Government, but until that time the Principal Registry shall be situated at such place as the Minister directs.

(2) Each District Registry shall be situated in the capital city of the State in which it is established.

53. The Principal Registry shall be under the charge of the Industrial Registrar, and each District Registry shall be under the charge of a Deputy Registrar.

54. (1) The Industrial Registrar shall keep, at the Principal Registry, a register of all organisations registered under this Act and a list of all proclaimed organisations.

(2) Each Deputy Registrar shall keep, at the Registry under his charge, a register of all organisations registered under this Act at that Registry, and a list of all proclaimed organisations existing in the State.

*Registered Organisations.\**

55. (1)

(a) . . . . . an association of employers may be registered as an organisation notwithstanding that it contains, in addition to employers in or in connection with the industry, such other persons, whether employers in the industry or not, as have been appointed officers of the association and admitted as members thereof ; and

(b) (Amended by No. 18, 1914, §13) Any association of not less than one hundred employees in or in connection with any industry, together with such other persons, whether employees in the industry or not, as have been appointed officers of the association and admitted as members thereof.

58A. (Inserted by No. 6, 1911, §19 ; amended by No. 18, 1914, §14.) An organisation may, in the prescribed manner, and on compliance with the prescribed conditions, change its name or change the constitution of the organisation including the description of the industry in connection with which it is registered, and the Registrar shall thereupon record the change in the register and upon the certificate of registration.

\* Section 4 of the Commonwealth Conciliation and Arbitration Act, 1911, is as follows :—" The registration, as an organisation under the Principal Act, of any association purporting to be registered before the commencement of this Act shall be deemed to be as valid to all intents and purposes, and to have constituted the association an organisation as effectually as if this Act had been in force at the date of the registration." The Commonwealth Conciliation and Arbitration Act, 1911, commenced on 23rd November, 1911.

Section 16 of the Commonwealth Conciliation and Arbitration Act (No. 2), 1914, is as follows :—" Every association which, at the commencement of this Act, is registered as an organisation, shall be deemed to have been duly registered." The Commonwealth Conciliation and Arbitration Act (No. 2), 1914, commenced on 7th December, 1914.

60. (1A) (Inserted by No. 18, 1914, §15.) Where the ground of the application is a defect in the rules of the organisation, the Court may, if in its discretion it thinks fit, instead of ordering the registration of the organisation to be cancelled in the first instance direct the organisation within a specified time to alter its rules so as to bring them into conformity with the requirements of the Act; and if at the expiration of the time specified the rules have not been altered accordingly the Court may then order the registration of the organisation to be cancelled, and it shall be cancelled accordingly.

19. **An Act to provide for the payment of Bounty on the manufacture of pig-iron from Australian ore.** (No. 27 of 1914.) Assented to 21st December, 1914.
20. **An Act to grant and apply out of the Consolidated Revenue Fund a sum for Invalid and Old Age Pensions.** (No. 26 of 1914.) Assented to 21st December, 1914.

(B) STATES.

I. NEW SOUTH WALES.

1. **An Act to authorise payments in subvention of Friendly Societies in certain cases, and for purposes consequent thereon or incidental thereto.** (No. 6, 1908.) Assented to 23rd September, 1908.
2. **An Act to amend the law with respect to compensation to workmen for injuries suffered in the course of their employment, and for purposes consequent thereon or incidental thereto.** (No. 10, 1910.) Assented to 19th August, 1910.
3. **An Act to provide superannuation allowances and gratuities for persons employed in the railway and tramway services, to amend the Acts regulating the public service and the Government Railway Act, 1901, and for purposes consequent thereon or incidental thereto.** (No. 11, 1910.) Assented to 27th August, 1910.
4. **An Act to provide for a Saturday half-holiday every Saturday in shops, and to amend the law with regard to the early closing of shops, and for purposes consequent thereon or incidental thereto.** (No. 12, 1910.) 27th August, 1910.

1. This Act may be cited as the "Saturday Half-Holiday Act, 1910," and shall commence and come into force on a date to be fixed by proclamation in the Gazette.

2. This Act shall be construed with the Early Closing Act, 1899 (hereinafter referred to as the Principal Act), the Early Closing (Amendment) Act, 1900, and the Early Closing (Hairdressers' Shops) Act, 1906.\*

3. Notwithstanding anything contained in the said Acts, the closing time for all shops (other than those of the classes or kinds mentioned or specified in Schedule 1 to the Principal Act, or the Schedule to this Act), situated within the metropolitan shopping district and within the Newcastle shopping district, and all other shopping districts comprised in the county of Northumberland, shall in every week be 1 o'clock in the afternoon of Saturday, and 6 o'clock in the afternoon of Wednesday, and 10 o'clock in the evening of Friday.

All such shops shall close on those days not later than the hours above-mentioned :

\* Title E.B. III., p. 87, No. 10.



Provided that nothing in the above provision shall affect the operation of §8 of the Early Closing (Amendment) Act, 1900.

4. If any shop to which this Act refers is not closed and kept closed for the remainder of the day at and after the closing time fixed by this Act, or if in any such shop any goods are offered for sale after the said time, the shopkeeper of the shop and any person acting or apparently acting in the management of the shop shall be guilty of an offence against the Principal Act and may be proceeded against in accordance with the provisions of that Act :

Provided that no such shopkeeper or person shall be guilty of the said offence by reason that within one half-hour after the said closing time goods have been offered for sale or sold to a customer who at the said closing time was in the shop being served or waiting to be served.

5. The provisions of this Act may, by proclamation of the Governor published in the Gazette, be extended to the classes or kinds of shops to which this Act refers situated within any country shopping district :

Provided that such proclamation shall not be made except on resolutions passed by both Houses of Parliament.

#### SCHEDULE.

Hairdressers' shops.  
Butchers' shops.

5. **An Act to amend the Miners' Accident Relief Act, 1900, and the Miners' Accident Relief (Amendment) Act, 1901, and for other purposes.** (No. 16, 1910.) Assented to 27th August, 1910.

6. **An Act to amend the Early Closing Acts and the Saturday Half Holiday Act, 1910,\* and for purposes consequent thereon.** Assented to 20th December, 1910.

1. This Act may be cited as the "Early Closing Amendment Act, 1910."

2. Notwithstanding anything contained in the Early Closing Act, 1899, the Early Closing (Amendment) Act, 1900, or the Early Closing (Hairdressers' Shops) Act, 1906,† the closing time for all butchers', poulterers' and hairdressers' shops situate within a country shopping district in which the 1 o'clock closing day for non-scheduled shops is Saturday shall in each week be—

1 o'clock in the afternoon of Wednesday ;

10 o'clock in the evening of Saturday ;

6 o'clock in the evening for butchers', and poulterers', and half-past 7 in the evening for hairdressers' shops on the four other weekdays.

All such shops shall close on those days not later than the hours above mentioned : Provided that nothing in the above provision shall affect the operation of §8 of the Early Closing (Amendment) Act, 1900.

3. §5 of the Early Closing (Amendment) Act, 1900, is amended :

(a) by substituting the word "four" for "five",

(b) by inserting before the word "Saturday" the words "Friday and."

4. Section 8 of the Early Closing (Amendment) Act, 1900, is amended by inserting after the words "such shop may" where secondly occurring the words "subject to the provisions of the next following paragraph."

\* Text E.B. X., p. 260, No. 4).

† Title E.B. III., p. 87, No. 10.

5. Section 7 of the Early Closing Act, 1899, is amended by omitting the words "this part" and substituting therefor the words, "this Act or any Act amending the same."

6. The Schedule to the Saturday Half-Holiday Act,\* 1910, is amended by the addition thereto of the words "Poulterers' Shops."

7. Section 8 of the Early Closing (Amendment) Act, 1900, is amended by inserting after the §1 the following words: "When Christmas Day falls on a Sunday or Monday any shop which usually closes at 1 o'clock on Saturday may remain open until 10 o'clock on the Saturday preceding such Christmas Day: Provided that such shop is closed at 6 o'clock on Friday and 1 o'clock on Wednesday in the preceding week, and the shop assistants are not employed after these hours, and is also closed and kept closed, and the shop assistants are not employed therein, on the Monday and Tuesday next following the 24th December."

7. **An Act to amend the Coal Mines Regulation Act, 1902, and for other purposes.** (No. 40, 1910.) Assented to 28th December, 1910.

8. **Ministerial Order (prohibition of employment of males under the age of 16 years or of females).** 16th May, 1911. (N.S.W. Industrial Gazette, V., 1,000.)

Whereas under §35a of the Factories and Shops Act of 1896, as amended by Act No. 29 of 1908† and Act No. 28 of 1909,‡ it is provided that the Minister may, by Order, prohibit the employment in any factory or class of factory, at or in connection with any machinery described in such Order as dangerous, of males under the age of 16 years, or of females in any work in which he considers it undesirable that they should be employed: Now I, George Stephenson Beeby, Minister for Labour and Industry, being the Minister for the time being administering the said Acts, considering it undesirable that they should be so employed, do, by this my Order, hereby prohibit in any factory to which the said Acts apply the employment in the class of work specified in the Schedule hereto of any male under the age of 16 years or any female at or in connection with the machinery described in the said Schedule, such machinery being dangerous.

#### SCHEDULE.

*Machinery.*—Band Saws (wood or metal); Bottling Machines; Brick Presses; Burring Machines; Calendar Rolls in Paper Mills, Rubber Works, Ink Works, and Paint Works; Circular Saws (wood or metal); Devils in Paper Mills and Bedding Factories; Dough Brakes; Dough Dividers; Dough Mixers; Emery Wheels; Fleshing Machines; Grindstones; Guillotines (Metal, Leather and Paper); Ironing Machines in Tanneries; Iron Roller Mills; Marble and Slate Floats; Meat Chopping and Mincing Machines; Meat Filling Machines; Metal Rollers, including Rolls for corrugating, curling, and painting; Metal Stamping Machines, including Guttering and Ridging Machines and Dropper (stamping) Machines; Pans for grinding or mixing, including those in Brickworks; Iron Foundries, Food Factories, and Paint Mills; Platens; Power Presses (metal, leather and paper); Pug Mills; Rolling Machines; Rope Spinning Machines; Setting Out Machines; Shears and Punch; Softening Machines; Splitting Machines; Stave Shapers; Steam Hammers; Tile and Pipe Presses; Tobacco Cutters; Wood Jointers; Wood Shapers; Wool Washing Machines.

*Class of Work.*—Operating or assisting in operating.

9. **An Act to repeal the Old-age Pensions Act, 1900, and the Invalidity and Accidents Pensions Act, 1907.\*\*** (No. 2, 1911.) Assented to 12th July, 1911.

\* Text E.B. X., p. 260, No. 4.

† Text E.B. IV., p. 18, No. 2.

‡ Title E.B. VII., p. 181, No. 5, and Text E.B. VII., p. 165.

\*\* Text E.B. V., p. 255.



10. An Act to provide for the purchase, resumption and appropriation of lands, and for the construction and maintenance of certain buildings and works, for the use or disposal of such lands and buildings ; to constitute a Board for the above and other purposes, and a Fund to meet the expenses of carrying out the above provisions ; for purposes consequent thereon or incidental thereto ; and to amend certain Acts. (No. 7, 1912.) Assented to 4th April, 1912.
11. An Act to enable the Municipal Council of the city of Sydney to erect and let dwelling-houses, and for that purpose to acquire land ; to extend the borrowing powers of the said Council ; to amend certain Acts relating to the Corporation of the city of Sydney ; and for purposes consequent thereon or incidental thereto. (No. 8, 1912.) Assented to 4th April, 1912.
12. An Act to consolidate enactments relating to the regulation of coal mines and collieries. (No. 37, 1912.) Assented to 26th November, 1912.

[EXTRACT.]

DIVISION 6.—EMPLOYMENT OF BOYS AND FEMALES.

41. No boy under the age of 14 years and no female shall be employed in or about a mine.

42. (1) No boys between the age of 14 years and 18 years shall be employed in or allowed to be, for the purposes of employment, in any mine below ground for more than 9 hours on Monday, Tuesday, Wednesday, Thursday, Friday, and 6 hours on one Saturday and 8 hours on the next Saturday.

(2) For the purposes of this Act, with respect to the employment of such boys in a mine below ground, the following regulation shall have effect—that is to say :

(a) there shall be allowed an interval of not less than 12 hours between each period of employment ;

(b) each period of employment shall be exclusive of one hour for meals.

(3) The owner, agent or manager of every mine shall keep in the office at the mine a register, and shall cause to be entered in that register, in such form as the Minister prescribes or sanctions, the name, age, residence and date of first employment of all boys under the age of 18 employed in the mine below ground, and of all boys employed above ground in connection with the mine ; and shall on request produce the register to any inspector under this Act, and to any officer of the Department of Public Instruction, at the mine, at all reasonable times, and shall allow any such inspector or officer to inspect and copy the same.

(4) The immediate employer of every such boy, other than the owner, agent, or manager of the mine, before he causes the boy to be below ground in any mine, shall report to the manager of the mine, or to some person appointed by that manager, that he is about to employ the boy in the mine.

43. If any person contravenes or fails to comply with, or permits any person to contravene, or fail to comply with, any provision of this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys, he shall be guilty of an offence against this Act ; and in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing, and, to the best of his power, enforcing the provisions of this Act, to prevent the contravention or non-compliance.

13. An Act to consolidate the Acts controlling scaffolding and lifts. (No. 388 1912. Assented to 26th November, 1912.)
14. An Act to consolidate the enactments relating to the supervision and regulation of factories, bakehouses, laundries, dye works, and shops; the limitation in certain cases of the hours of working therein; the extension of the liability of employers for injuries suffered by employees in certain cases; the making provision for a minimum wage for certain persons and for the payment of overtime and tea-money; and for other purposes (No. 39, 1912.) Assented to 26th November, 1912.

### PART I.—PRELIMINARY.

1. This Act may be cited as the "Factories and Shops Act, 1912," and is divided into Parts and Divisions, as under:—

### PART II.—FACTORIES AND SHOPS—§§3-62.

- DIVISION 1.—*Definitions—Appointments—Registration and inspection*—§§3-13.
- DIVISION 2.—*Records*—§§14-19.
- DIVISION 3.—*Sanitary arrangements, etc.*—§§20-30.
- DIVISION 4.—*Fencing of machinery—Protection from fire*—§§31-39.
- DIVISION 5.—*Ages of persons employed and certificates*—§§40-49.
- DIVISION 6.—*Shops*—§§50-51.
- DIVISION 7.—*Miscellaneous*—§§52-62.

### PART III.—MINIMUM WAGE, OVERTIME AND TEA-MONEY—§§63-74.

2. The Acts specified in Schedule 1 are hereby repealed; but such repeal shall not prejudice or affect the validity or duration of any license, permit, exemption, or authority lawfully granted under any such Act.

All proclamations published, notices given, certificates of registration granted, and regulations made under the authority of any Act hereby repealed, and being in force at the passing of this Act, shall be and continue in force hereunder, and shall be deemed to have been published, given, granted, and made respectively under the authority of this Act.

All persons appointed under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall remain in office as if this Act had been in force at the time they were appointed and they had been appointed hereunder, and this Act shall apply to them accordingly.

All localities declared by the Governor to be districts for the purposes of any Act hereby repealed, and being such district at the time of the passing of this Act, shall be districts for the purposes of this Act, and shall be deemed to have been declared by the Governor under the authority of this Act.

### PART II.—FACTORIES AND SHOPS.

DIVISION I.—*Definitions—Appointment of inspectors—Registration and inspection of factories, and inspection of shops.*

3. In this Part of this Act, unless the context requires another meaning—  
 "Bakehouse" means any place in which any bread, pastry, sweetmeats, or sugar goods are made or baked for sale, and includes any place or room used in connection with the bakehouse for storing such food when baked or to be baked, or any material to be used for the manufacture of such food to be baked.  
 "Child" means any person under the age of 14 years.



“Employee” means any person in the employment of an occupier. Any person who works in a factory or shop, whether for wages or not, at any kind of work whatever, shall be deemed to be an employee and to be employed within the meaning of this Part of this Act.

“Factory” means—

- (a) any office, building, or place in which four or more persons are engaged directly or indirectly in working at any handicraft, or in preparing or manufacturing articles for trade or sale; and includes laundries and dyeworks in which four or more persons are engaged; but does not include any building or place in which the persons engaged in working are shown to the satisfaction of the Minister to be all members of one family, and in which steam or other mechanical power is not used;
- (b) any office, building or place in which one or more Chinese are so engaged;
- (c) any place or building where steam or other mechanical power or appliance is used in manufacturing goods or packing them for transit, or in generating electricity, water power, or any other power;
- (d) any bakehouse, but does not include any building used for the manufacture of dairy produce, nor any woolshed used for shearing sheep, or building used for dumping wool, or any ship.

Where the operations of any manufacturer are carried on for safety or convenience in several adjacent buildings grouped together in one enclosure, these shall be classed and included as one factory.

“Inspector” means an inspector of factories and shops, appointed under this Part of this Act.

“Mechanical power” means power generated by water, steam, gas, oil, electricity, or any power other than manual power.

“Mill-gearing” includes any shaft, whether upright, oblique, or horizontal, and any wheel, drum, pulley, belt, rope, or chain by which the motion of the first moving power is communicated to the operative part of any machine.

“Occupier” means the person, company, or association employing persons in any factory or shop, or occupying any office, building, or place used as a factory or shop, and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of any factory or shop.

For the purposes of any structural alteration or building additions required by this Part of this Act to be made to a factory or shop, the Minister may, by notice in the form prescribed, notify the owner of the factory or shop, or the person receiving the rent for the same, whether on his own account or on account of any other person, that he will regard him for such special purposes as the occupier of the same; and thereafter the said owner or person shall, for the said purposes, be deemed to be the occupier of the factory or shop.

“Prescribed” means prescribed by this Part of this Act or regulations under this Part of this Act.

"Shop" means any building or place, or portion of a building or place, in which goods are exposed or offered for sale by retail.

"Shopkeeper" means the occupier of a shop.

4. (1) This Part of this Act shall apply only to such localities as are declared or deemed to be declared by the Governor, by proclamation in the Gazette, to be a district or districts for the purposes of this Part of this Act.

(2) The Governor may, by proclamation in the Gazette, exempt either wholly or in part, any factory or class of factories, or shop or class of shops, in any district or part thereof from the operation of this Part of this Act, and such factory or class of factories, or shop or class of shops, shall thereupon be exempted as aforesaid.

(3) The Governor may, by proclamation as aforesaid, revoke, vary or alter any proclamation published, or deemed to have been published, under this Section.

5. The Governor may appoint as many inspectors of factories and shops as may appear necessary for carrying into effect the provisions of this Part of this Act.

6. (1) Every person who at the commencement of this Act, and every person who at the time when any locality is declared to be a district, is the occupier of an unregistered factory shall, within 28 days thereof, serve on the inspector of the district, or such other person as the Governor may appoint, a written notice containing such particulars as may be prescribed, and the inspector, or such other person as aforesaid, shall, on the receipt of such notice, register the factory, and issue a certificate of registration to such occupier. Should any occupier neglect or omit to serve the notice as herein provided he shall be liable to a penalty not exceeding ten pounds.

(2) Every person in occupation of, or about to occupy, any premises which it is intended to use as a factory for the first time, or which after a period of disuse it is intended to again use as a factory, shall, not less than seven days before it is so used or again used as a factory, forward to the inspector of the district, or such other person as the Governor may appoint, a written notice containing such particulars as may be prescribed. The inspector or such other person as aforesaid on the receipt of the said notice may register the premises and issue a certificate of registration to the person giving such notice.

(3) The inspector or such other person as aforesaid may, if he thinks fit, instead of registering the premises, issue a permit authorising the use of the premises for a period to be named in such permit pending the carrying out of any alterations or repairs required in order to make such premises suitable for a factory. Such permit may, from time to time, be extended by the Minister.

7. Any person in occupation of an unregistered factory within a district to which at the time of such occupation the provisions of this Part of this Act or of the Factories and Shops Act of 1896, have for a period of at least 28 days been applied shall be liable to a penalty not exceeding ten pounds, unless he proves that he had duly applied within the prescribed time for the registration of the factory, and had taken all proper measures to obtain the registration of the factory and that such application had not been refused, or that he is the holder of a permit under this Part of this Act authorising him to occupy the factory.

8. (1) If, in the opinion of an inspector, any office, building, or place used or about to be used as a factory, is unfit for such purpose, he shall, by notice in writing, served on the occupier or the applicant for registration of the factory, personally or posted to his last known address, request such occupier or applicant to comply with such requirements specified in such notice as he may



deem necessary to render such office, building, or place fit for occupation as a factory.

(2) If the occupier or applicant is dissatisfied with the requirements of the said notice, he may, within seven days of service of such notice, appeal to the Minister in writing in the form prescribed, stating what amendments in the said requirements he desires should be made.

(3) The Minister may forthwith determine the appeal, or may appoint a competent person to hold an investigation in such manner and under such conditions as the Minister may approve as to the necessity for, or reasonableness of, the inspector's requirements, and to report to him and make a recommendation as to whether such requirements, or any one or portion of any one of them, should be carried into effect.

(4) The Minister shall make such orders as he deems just and necessary, and his decision shall be final.

(5) Where an inspector reports that in his opinion no requirements that may be specified will, by reason of structural difficulties, sanitary defects, or otherwise, fit any office, building, or place, for use as a factory, he shall so report to the Minister, and the Minister may thereupon take such action as hereinbefore referred to, and make an order forbidding the use of the said office, building, or place as a factory or such other order as he may think fit.

9. Every inspector shall have power—

- (1) to enter, inspect and examine, at all reasonable hours by day or night, any factory or shop, or any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe is used as a factory or shop ;
- (2) to take with him in either case an officer of health or inspector of nuisances, or any person whom he may think qualified to act as an interpreter ; or, in any case in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, a constable ;
- (3) to require the production of the certificate of registration of any factory, or any book, notice, record, list, or document which is by this Part of this Act, or the regulations hereunder, required to be kept or exhibited in any factory or shop, and to inspect, examine, and copy the same ;
- (4) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Part of this Act or any Act relating to the public health are complied with so far as respects the factory or shop, and the persons employed therein ;
- (5) to examine alone, or in the presence of any other person, as he thinks fit, with respect to matters under this Part of this Act, any person whom he finds in a factory or shop, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or shop, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined :

Provided that no person shall be required to answer any question if the answer to such question might incriminate him,

- (6) subject to this Part of this Act, to conduct prosecutions in connection herewith, whether the information be laid in his name or not, to take proceedings for the punishment of offences against this Part of this Act, and to attend and examine witnesses at

any inquest into the cause of the death of any employee while employed in a factory or shop ;

- (7) to exercise all other powers that may be necessary for carrying out the provisions of this Part of this Act, or of such provisions of any Act relating to public health as the Governor may from time to time determine.

10. The occupier of every factory or shop, his agents and servants, shall furnish the means required by an inspector necessary for an entry, inspection, examination, and inquiry, or the exercise of his powers under this Part of this Act in relation to such factory or shop.

11. Every person who wilfully delays an inspector in the exercise of any power under this Part of this Act, or who fails to comply with a requisition of an inspector made under any such power as aforesaid, or to produce any certificate of registration, book, record, certificate, notice, list, or document which he is required by or in pursuance of this Part of this Act to produce, or who conceals or prevents any person from appearing before or being examined by an inspector, or attempts so to conceal or prevent any person, shall be deemed to obstruct an inspector in the execution of his duties under this Part of this Act, and shall for each offence be liable to a penalty not exceeding twenty pounds : Provided that no person shall be required to answer any question or give any evidence incriminating himself.

12. Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to a factory or shop shall, if required, produce such certificate to the occupier.

13. Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Part of this Act, shall be liable to be imprisoned for a term not exceeding six months with or without hard labour.

#### DIVISION 2.—Records.

14. The occupier of a factory or shop shall keep, or cause to be kept, a record of the names of all employees in the factory or shop, together with the ages of all employees under 21 years of age, and such other particulars as may from time to time be prescribed.

The occupier shall cause to be affixed and maintained in some conspicuous place at or near the entrance of every factory, and in such other parts thereof as the inspector may direct, a copy of this Act and of the regulations made or deemed to have been made under it ; also a notice containing—

- (a) the name and address of the inspector for the district ;
- (b) the usual working hours of the factory.

15. The occupier of a factory shall, if so required by the Minister, furnish to him a scale of the wages paid to the employees therein, and also the rates of payment made for piece-work to the persons working in and in connection with such factory.

16. (1) The occupier of a factory shall, for the information of the inspectors, who alone shall be entitled to demand such information, keep a record in the prescribed form and with the prescribed particulars, showing—

- (a) the name of every person employed by him in the business of a factory outside such factory ;
- (b) the places where those persons are employed ;
- (c) the rate of payment in each instance.



(2) The occupier shall forward such record to the inspector for his information whenever demanded by him, and shall forward to the inspector, at such times as may be prescribed, a copy or summary of every such record in such form as may be prescribed.

(3) An occupier who makes default in keeping such record or in forwarding it as hereinbefore provided shall be liable to a penalty not exceeding ten pounds.

17. Every person who, whether as principal, contractor, sub-contractor or otherwise, directly or indirectly, issues or gives out, or authorises or permits to be issued or given out, any material whatsoever for the purpose of being wholly or partly prepared or manufactured outside a factory as articles of clothing or wearing apparel (including boots and shoes) for trade or sale, shall be deemed to be the occupier of a factory for the purposes of the last preceding Section; and the person to whom such material is issued or given out shall, for the purposes of the said Section, be deemed to be employed by the occupier in the business of the factory outside such factory.

18. Any inspector who divulges the contents of any record or makes use of his knowledge of the contents thereof, except to the Minister or for the purposes of this Part of this Act or for enforcing the provisions hereof, or for statistical purposes in connection with a Department of the Public Service, shall be liable to a penalty not exceeding fifty pounds, or to imprisonment with hard labour for any term not exceeding six months.

19. Each inspector shall furnish annually to the Minister for submission to Parliament a report on the operation of this Part of this Act.

### DIVISION 3.—*Sanitary Arrangements, Etc.*

20. (1) Every factory and shop shall be kept in a cleanly state and free from effluvia arising from any drain, earth or water-closet, urinal, or other nuisance.

(2) A factory or shop, or any portion thereof, shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein, and shall contain such amount of cubical space for each person employed, and such amount of ventilation, as may be prescribed by regulations, and shall be ventilated in such a manner as to render harmless as far as practicable all the gases, vapours, dust, or impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

(3) A factory or shop in or in connection with which there is a contravention of this Section shall be deemed not to be kept in conformity with this Part of this Act.

21. All the inside walls of the rooms of a factory, and all the ceilings and tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory shall either be varnished or painted with oil at least once in every period of seven years, or be lime-washed, or washed with some liquid approved by the inspector, at least once in every period of fourteen months (or, in the case of a bakehouse situate in a municipality, once in every period of six months), and shall, if they have been so painted or varnished, be washed with hot water and soap at least once in every period of fourteen months; but the inspector may, if it appear to him necessary, order the walls, ceilings, passages, and staircases of any factory or of any bakehouse situated as aforesaid, to be painted, varnished, lime-washed, or washed more frequently than is herein provided.

If the walls or passages are papered, they need not be varnished, painted, or washed, but shall be prepared at such times as the inspector may direct.

The occupier of a factory shall on demand supply the inspector with the dates of the last washing, painting, varnishing, or papering of each portion of the factory.

22. Where it appears to the Minister that in any class of factories, or parts thereof, the provisions of the last preceding Section are not required, or are by reason of special circumstances inapplicable, he may, if he thinks fit, make an order granting to such class of factories, or parts thereof, a special exemption from all or any of the requirements in the last preceding Section :

Provided that the last preceding Section shall, without any such order as aforesaid, be deemed not to apply to blacksmiths', agricultural implement makers', and wheelwrights' shops ; or to foundries, flour mills, saw-mills, flax-mills, freezing-rooms, bone-mills, seed-cleaning mills, tanneries, rope-walks, soap and candle works, smelting works, and brick and tile works or potteries ; or to hay and corn and chaff-cutting, corn-crushing, wool-washing, and boiler-making establishments ; or to malthouses and breweries ; or to cheese and sugar-refining factories, or to sugar-mills or shearing sheds.

23. Where a bakehouse having employed therein one or more persons is situated in any district under this Part of this Act—

- (1) no place on the same level with the bakehouse, and forming part of the same building, shall be used as a sleeping-place unless such sleeping-place is effectually separated from communication with the bakehouse by a partition extending from the floor to the ceiling, and there is an external glazed window in such sleeping place of at least nine superficial feet in area, of which at least four and a half superficial feet are made so as to open for ventilation ;
- (2) no earth or water-closet, cesspit, urinal, or ash-pit shall be within or communicate with the bakehouse ;
- (3) any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern supplying water to a water-closet ;
- (4) no drain-pipe for carrying off fecal or sewage matter shall have an opening within the bakehouse.

Any person who lets or occupies, or continues to let or knowingly suffers to be occupied, any place in which there is a breach of the provisions of this Section shall be liable to a penalty not exceeding for the first offence twenty shillings, and for every subsequent offence to a penalty not exceeding five pounds.

24. The Minister may, by notice in writing, forbid the occupier of a factory to permit any employees therein to take their meals in any room while work is being carried on therein, and may direct an occupier to erect or provide a suitable room or place in the factory or in connection therewith for the purpose of a dining or eating room for employees in such factory.

If the occupier fails to comply with such notice within a reasonable time, the factory shall be deemed not to be kept in conformity with this Part of this Act.

25. If it appear to the inspector that—

- (a) in a factory where grinding, glazing, or polishing on a wheel, or any other process is carried on whereby dust is generated which is inhaled by the employees to an injurious extent, such inhalation could be to a great extent prevented by the use of a fan or by other mechanical means of ventilation ; or



- (b) in a factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances whereby the health of the employees is or may be injuriously affected, such humidity could be to a great extent lessened by the adoption of a sufficient means of prevention ;

the inspector may serve on the occupier a notice requiring him to provide a fan or other sufficient means of prevention, as the case may be ; and if the same be not, within a reasonable time, provided, maintained, and used, the factory shall be deemed not to be kept in conformity with this Part of this Act.

26. (1) Every occupier of a factory or shop shall cause to be provided suitable sitting accommodation for all females employed in his factory or shop in the proportion of one seat to every three females employed, and such sitting accommodation shall be conveniently situated for the use of the persons for whom the same is provided.

(2) The occupier of any factory or shop shall allow every female employed therein to make use of such sitting accommodation at all reasonable times during the day, when such use would not necessarily interfere with the proper discharge by such female of her duties.

27. Where, in the opinion of the Minister, a change of the dress of any females employed in a factory or shop is rendered necessary by the work to be done, or is desirable for the comfort of such employees, the occupier of such factory or shop shall, at the request in writing of the Minister on or before the date fixed in such request, provide suitable dressing-rooms for such employees, under a penalty not exceeding one pound for each day such room is not provided after the day fixed for so doing.

28. Every occupier of a factory or shop who causes or permits wearing apparel to be made, cleaned, or repaired in, or issues any materials from, any building, whether a factory or not, in which any person is suffering from a disease declared by or under any law relating to public health to be an infectious disease, shall be liable to a penalty not exceeding twenty pounds, unless he proves that he was not aware of the existence of the disease in the building and could not reasonably have been expected to become aware of it.

29. Where in connection with any factory any employees are lodged in any premises in the possession of the occupier of the factory, whether attached to or detached from such factory, all such premises shall be open to inspection by an inspector, and in respect thereof he may exercise all the powers as to sanitary requirements which he is entitled to exercise in respect of the factory.

30. Where it appears to an inspector that any act, neglect, or default, in relation to any drain, water-closet, privy, ashpit, water supply, nuisance, or other matter in, about or in the vicinity of a factory is punishable, or that the consequences of such act, neglect, or default are remediable under any law relating to the public health or any other law, but not under this Part of this Act, such inspector shall give notice in writing to the authority generally administering the Act, or the local authority in whose district the factory is situate, and it shall be the duty of such authority to make such inquiry into the subject of the notice, and take such action thereon as to such authority may seem proper for the purpose of enforcing or carrying out the law.

#### DIVISION 4.—*The Fencing of Machinery and Protection from Fire.*

31. The traversing carriage of any self-acting machine, erected after the first day of January, one thousand eight hundred and ninety-seven, shall not be allowed to run out within a distance of 18 inches from any fixed structure not being part of the machine, if the space over which it so runs out is a space

over which any person is likely to pass, whether in the course of his employment or otherwise.

32. In any action brought by an employee in a factory or by his representatives to recover damages from his employer for personal injury caused solely by a boiler explosion arising from the negligent employment of an incompetent person to take charge of a boiler used for driving an engine in connection with the factory, the fact of the injury shall be evidence—

- (a) that the person so placed in charge was incompetent ;
- (b) that the defendant was guilty of negligence in employing him ;
- (c) that the plaintiff was injured through that person's incompetence ;

but this presumption shall be deemed to be rebutted by the defendant if he proves that he took reasonable care to satisfy himself of the competency and fitness of such person to take charge of such boiler.

33. The occupier of a factory shall securely fence all dangerous parts of the machinery therein, and with respect to such fencing the following provisions shall have effect—

- (1) every hoist or teagle and every fly-wheel directly connected with the steam or water or other mechanical power whether in the engine-house or not, and every part of a steam-engine or other engine used for generating mechanical power, and water wheel shall be securely fenced ; and
- (2) every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race ; and
- (3) every part of the mill-gearing and every cog-wheel shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory or workroom as it would be if it were securely fenced ; and
- (4) all fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process.

A factory in which there is a contravention of this Section shall be deemed not to be kept in conformity with this Part of this Act.

34. If an inspector considers that in a factory any part of the machinery of any kind, moved by steam, water, or other mechanical power, to which the provisions of this Act with respect to the fencing of machinery do not apply, is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory—

- (1) the inspector shall serve on the occupier of the factory a written notice to fence the machinery which he considers dangerous as aforesaid ;
- (2) the occupier within seven days from the receipt of such notice may serve on the inspector a written requisition to refer the matter to arbitration, and, thereupon, the matter shall be referred to arbitration, to be conducted under the regulations ;
- (3) if the arbitrators or their umpire decide that it is unnecessary or impracticable to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled and the occupier shall not be required to fence in pursuance thereof, and the



- costs of the reference shall be paid as the expenses of the inspector under this Part of this Act ;
- (4) if the occupier does not within the said seven days serve on the inspector a requisition to refer the matter to arbitration, or does not appoint an arbitrator within the time required by the regulations, or if the arbitrators or the umpire decide that it is necessary and practicable to fence the machinery alleged in the notice to be dangerous, the occupier shall securely fence such machinery in accordance with the notice or with the award of the arbitrators or umpire, if it modifies the notice, and the cost of the reference shall be borne by either or both parties to the arbitration, as the arbitrators or the umpire may decide, and any portion of the costs to be borne by the occupier shall be a debt due by him to the inspector, and shall be recoverable in any court of competent jurisdiction ;
  - (5) if the occupier of a factory fails to comply within a reasonable time with the notice or award, or fails to keep the said machinery securely fenced in accordance therewith, or fails to constantly maintain such fencing in an efficient state while the machinery required to be fenced is in motion, the factory shall be deemed not to be kept in conformity with this Part of this Act.

35. The Minister may on complaint by an inspector, and on being satisfied that any machine or mill-gearing used in a factory is in such a condition that it cannot be used without danger to life or limb, by order prohibit such machine or mill-gearing from being used, or (if it is capable of repair or alteration) from being used until it is duly repaired or altered to the Minister's satisfaction on the report of the inspector. Any employer who disobeys such Order shall for each offence be liable to a penalty not exceeding ten pounds for every day on which the machine or mill-gearing is used in contravention of the Order.

36. (1) In every factory and shop the opening of every hoistway, elevator, or lift, or well-hole shall at each floor be provided with and protected by good and sufficient trap-doors or self-closing hatches and safety catches, or by such other safeguards as the inspector may approve, which shall be kept closed at all times when they are not in actual use.

(2) If an elevator or lift in a factory or shop used for the conveyance of employees or other persons is considered by an inspector to be unsafe or dangerous to use, he may prohibit the occupier or shopkeeper from using such elevator or lift until it is made safe to the inspector's satisfaction. Should any occupier or shopkeeper use, or permit to be used, such elevator or lift at any time whilst its use is so prohibited, he shall be liable to a penalty of twenty shillings for each time such elevator or lift is so used.

37. A male under 16 years of age or female shall not be allowed to have the care, custody, management, or working of any elevator or lift in any factory or shop.

A male under 18 years of age or female shall not be allowed—

- (a) to clean such part of the machinery in a factory as is mill-gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery ; or

- (b) to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water or other mechanical power.

An employee allowed to act in contravention of this Section shall be deemed to be employed in contravention of this Part of this Act.

38. Where there occurs in a factory any accident, produced either by machinery moved by steam, water or other power, or through a vat, pan, or other structure, filled with hot liquid or molten metal, or other substance, or by explosion, or by escape of gas, steam or metal, which either—

- (a) causes loss of life to an employee in the factory; or
- (b) causes bodily injury to any employee in the factory, such as to prevent him from returning to his work in the factory within forty-eight hours of the occurrence of the accident—

written notice of the accident shall forthwith be sent to the inspector for the district stating the cause of death or the nature and extent of the injury, as the case may be, and the residence of the person killed or injured, or the place to which he has been removed. The Minister may, if he thinks fit, obtain a report from a legally qualified medical practitioner, or other competent person, upon the nature, extent, and cause of such death or injury.

39. (1) In every factory erected after the sixteenth day of November, one thousand eight hundred and ninety-six, and in which ten or more persons are employed, and in any factory existing on the said day, where the Minister by notice in writing may so require, the main inside and outside doors shall open outwards, and all the doors of every room in a factory in which persons are actually at work, or passages leading to such rooms, or serving as entrances and exits shall neither be locked, bolted, nor barred during working hours.

(2) In every factory there shall be such means of extinguishing fire as the inspector acting under the regulations may direct.

(3) Every factory in which persons are employed above the first floor shall, in addition to the usual fire-escapes, distinct from the stairs in ordinary use, be provided, on each floor above the first floor, with means by which persons prevented by flames or smoke from descending by the ordinary ways may be enabled to descend in safety from windows or other openings or by external stairs, ladders, or by such other means as may be deemed sufficient, all such means to be approved in writing by the chief officer of fire brigades, or any officer of fire brigades appointed by him in that behalf.

(4) In the event of the occupier objecting to carry out any structural alterations in his buildings required by the Minister, he may refer the matter to arbitration, as provided in §34.

#### *DIVISION 5.—Ages of Persons Employed in Factories and Certificates.*

40. No child shall, unless by special permission of the Minister, be employed in any factory; and no such special permission shall be given to a child under the age of 13 years.

41. The Minister may, by Order, prohibit the employment in any factory or class of factory, at or in connection with any machinery described in such Order as dangerous, of males under the age of 16 years or of females in any work in which he considers it undesirable that they should be employed.

Where in any factory there is a contravention of any such Order, the occupier of the factory, who has been served with a copy of such Order, shall be deemed to be guilty of an offence against this Part of this Act.



42. No male under 18 years of age and no female shall be employed continuously in a factory for more than five hours without an interval of at least half an hour for a meal.

43. (1) No male under 16 years of age and no female shall be employed in a factory for more than 48 hours in any one week :

Provided that any such person may be employed overtime in a factory for a period not exceeding three hours in any day beyond the ordinary working hours on not more than 30 days in a year, or by the written permission of the Minister, where he is satisfied that an extension of overtime is required to meet the exigencies of trade, for not more in all than 60 days in a year.

No such person, however, may be employed overtime on more than three consecutive days, and such overtime shall be paid for at the rate of time-and-a-half. Such payment shall be made at intervals of not more than one month.

The occupier shall keep a record of all such overtime, and shall note against the name of each person so employed the hours of overtime worked by him or her, and shall furnish a copy of such record to the inspector when called upon to do so.

(2) Notice of having availed himself of the proviso to Sub-section (1) of this Section shall be given by the occupier of the factory to an inspector or such other person as the Minister may name, within 48 hours after the commencement of the working of such overtime, and a copy thereof shall be affixed in the factory within such period. The notice shall be accompanied by a statement signed by the occupier of the facts on which he relies to show that such working was *bonâ fide* for the purpose of meeting the exigencies of trade.

(3) The occupier of a factory shall keep a record each week, in the form and containing the particulars prescribed, of the occasions on which he avails himself of the said proviso.

(4) If the Minister is not satisfied that such working was *bonâ fide* for the purpose of meeting the exigencies of trade, he shall give notice in writing of his dissatisfaction to the occupier ; and unless the occupier within one month from such notice proves to the satisfaction of the Minister that such working was *bonâ fide* for such purpose, the Minister shall direct that a record be made that the working was not *bonâ fide* for such purpose.

(5) If the Minister directs such record to be made in regard to any occupier of a factory three times within any twelve months, such occupier shall not thereafter at any time be entitled to avail himself of the said proviso unless by the special permission of the Minister.

(6) If any person contravenes any provision of this Section he shall be liable on conviction to a penalty for the first offence not exceeding five pounds, and for any subsequent offence not exceeding twenty pounds.

44. No person mentioned in Schedule Two to this Act shall to the extent mentioned therein be employed in the factories or parts thereof mentioned in that Schedule, and notice of the prohibition shall be posted by the occupier in every factory to which it applies.

45. (1) A person under the age of 16 years shall not be employed in such classes of factories as may from time to time be determined by regulation unless the occupier of the factory has obtained a certificate in the prescribed form of the fitness of such person for employment in that factory.

(2) A certificate of fitness for the purposes of this Part of this Act may be granted by any legally qualified medical practitioner, and shall be to the effect that he is satisfied by the production of a certificate of birth or other sufficient evidence that the person named in the certificate of fitness is of the age therein specified, and that such person has been personally examined by

him, and is not incapacitated by disease or bodily infirmity from working daily for the time allowed by law in the factory named in the certificate.

(3) The certificate of birth which shall be produced to such legally qualified medical practitioner may be either—

- (a) a certified copy of the entry in a register of births kept in pursuance of any Act in force for the time being relating to the registration of births of the birth of the person (and such certificate of birth shall be given by the registrar without fee); or
- (b) a statutory declaration made by some competent person as to the age of the person for whom it is desired to obtain a certificate of fitness for employment.

(4) The occupier shall, when required, produce to an inspector at the factory at which a person under 16 years of age is employed the certificate of fitness of such person for employment which he is required to obtain under this Section.

46. No occupier shall employ a male under 16 years of age or a female—

- (a) in any factory,
- (b) in the business of but outside any factory,

between the hours of six o'clock in the evening and six o'clock in the morning, unless in the case of overtime, and subject to the restrictions contained in §33 :

Provided that where it is proved to the satisfaction of the Minister that the custom or exigencies of the trade carried on in any class of factories or parts thereof, either generally or situate in any particular locality, or other reasons, require or make it desirable that such trade should be exempted from the operation of this Section, he may by Order grant to such class of factories or parts thereof a special exemption and for such time as he may think fit.

37. Where an inspector is of opinion that a person under the age of 16 years is, by disease or bodily infirmity, incapacitated for working daily for the time allowed by law in a factory, he may serve written notice thereof on the occupier, requiring that the employment of such person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice : and the occupier shall not continue after the period named in such notice to employ such person (notwithstanding a certificate of fitness has been previously obtained for such person) unless a legally qualified medical practitioner has, after the service of the notice, personally examined such person and has certified that such person is not so incapacitated as aforesaid.

48. No female shall be employed during the four weeks immediately after her confinement.

49. (1) In any factory where any Chinese works, and in any other factory where any person is employed in preparing or manufacturing articles of furniture, no person shall work, or shall employ or authorise or permit any person whomsoever to work, on any day before half-past seven o'clock in the morning or after six o'clock in the evening, or on a Saturday after one o'clock in the afternoon, or on Sunday at any time whatever : and no portion of a factory used for the purpose of preparing or manufacturing goods or articles for trade or sale shall at any time be used as a sleeping-place.

(2) If any person offends against any of the provisions of this Section, he shall for each and every day in which he offends be liable on conviction to a penalty for the first offence not exceeding ten pounds, and for a second or subsequent offence not exceeding twenty-five pounds ; and the registration of a factory, the occupier of which is convicted under this Section of a third offence, shall be forthwith cancelled by the Minister.



- (3) In any prosecution for an offence against this Section, evidence—
- (a) that at any time during which work is prohibited by this Section in any factory sounds have been heard, such as would ordinarily be heard if made by persons engaged in such factory in the usual work therein carried on, and
  - (b) that during such time any member of the police force or inspector was refused or could not gain immediate admission to such factory.

shall be proof that the provisions of this Section have been contravened by the defendant.

(4) In order to meet the exigencies of trade the Minister may, subject to the conditions and restrictions imposed in §43, suspend the operation of this Section relating to the working hours in any one or more factories for any period not exceeding two months.

#### DIVISION 6.—*Shops.*

50. (1) Except as hereinafter provided, a male under 16 years of age or a female under 18 years of age shall not work in or in connection with any shop for a longer time than 52 hours in any one week, or for a longer time than 9½ hours in any one day, except on one day in each week, when 11½ hours' work may be done, but such shall not apply to the occupier of a shop or any member of the occupier's family employed in such shop.

(2) Any such person may, however, be employed in a shop for a period not exceeding three hours on any day beyond the ordinary working hours, provided that the total number of days in any one year on which in any shop or at any work in connection with a shop any such male or female is so employed shall not exceed 52.

(3) No male under 18 years of age and no female shall be employed continuously in a shop for more than five hours without an interval of at least half-an-hour for a meal.

(4) No male under 16 years of age and no female under 18 years of age shall be employed during any day in any shop, or at any work in connection with a shop, if he or she has been previously employed the same day in a factory for eight hours, or in any case for a longer period than will together with the time during which he or she has been so previously employed complete the number of eight hours.

(5) The occupier of a shop in which or in connection with which any contravention of this Section occurs shall on conviction be liable to a penalty for the first offence of not more than two pounds, and for every subsequent offence of not less than two pounds or more than five pounds.

Nothing in this Section shall apply to shops of the classes included in Schedule Three to this Act.

51. The Governor may, subject to the provisions of this Part of this Act, make regulations under which males under 16 years of age and females under 18 years of age may be employed in any shops of the classes included in Schedule Three to this Act.

#### DIVISION 7.—*Miscellaneous.*

52. (1) Every breach or contravention of this Act, or the regulations thereunder, shall be reported to the Minister by the inspector in manner prescribed, and no prosecution shall be instituted without the authority of the Minister.

(2) In a prosecution for any such breach or contravention, an authority to prosecute, purporting to have been signed by the Minister, shall be evidence of such authority without proof of the Minister's signature.

53. No occupier of a factory or shop shall contract with any employee against any liability under this Part of this Act.

54. All penalties imposed by this Act, or the regulations made thereunder, may be recovered summarily before a stipendiary or police magistrate or any two or more justices of the peace.

55. Any order or notice to be served under this Part of this Act, or the regulations hereunder, and any summons to be served in respect of any breach or contravention of the provisions of this Part of this Act, or the regulations hereunder, or for the recovery of any penalty, shall be deemed to be duly served upon the occupier of a factory, or a shop, if such order, notice, or summons be affixed to the door or some other conspicuous part of the factory or shop.

56. If a factory or shop is not kept in conformity with this Part of this Act, or of the regulations hereunder, or if in any factory, or shop, there is a contravention or breach of any of the provisions of this Part of this Act, or of the regulations hereunder, or if the occupier of a factory or shop fails to comply with an order or request made by the Minister or an inspector in pursuance of this Part of this Act or regulations hereunder, the occupier shall on conviction, if no other penalty is provided, be liable to a penalty not exceeding ten pounds. The magistrates or justices, in addition to or instead of inflicting a penalty, may order certain means to be adopted by the occupier within some time to be named in the order for the purpose of bringing his factory or shop into conformity with this Part of this Act, and may upon application enlarge the time so named; and if, after the expiration of the time originally named or enlarged upon subsequent application the order is not complied with, the occupier shall be liable to a penalty not exceeding one pound for every day that such non-compliance continues.

57. Where any person is employed in a factory or shop contrary to the provisions of this Part of this Act, the occupier of the factory or shop shall be liable to a penalty not exceeding two pounds, or if the offence was committed during the night, three pounds for each person so employed. A person who is not allowed time for meals as required by this Part of this Act, or is in contravention of the provisions of this Part of this Act employed in the factory or shop, shall be deemed to be employed contrary to the provisions of this Part of this Act.

58. The parent or guardian having control of a male person under 16 years of age, or female person under 18 years of age shall, if such person is employed in a factory or shop contrary to the provisions of this Part of this Act, be liable, on summary conviction before a stipendiary or police magistrate or any two or more justices of the peace, to a penalty not exceeding twenty shillings for each offence, unless it appears that such offence was committed without the consent, connivance, or wilful default of the parent or guardian.

59. Where a male or female employee is in the opinion of the court apparently of the age alleged by the informant, it shall lie on the defendant to prove that such employee is not of that age.

60. Any person who forges or counterfeits any certificate for the purposes of this Part of this Act (for the forgery or counterfeiting of which no other punishment is provided), or who knowingly utters or make use of any certificate so forged or counterfeited, or who personates any person named in a certificate,



shall be liable to imprisonment for a term not exceeding twelve months, with or without hard labour. Any person who wilfully makes a false entry in any book, register, notice, certificate, list, record, or document required by this Part of this Act to be kept or served, or who wilfully makes or signs a false declaration or return under this Part of this Act, or who knowingly makes use of any false entry or false declaration or return, shall, on summary conviction before a stipendiary or police magistrate, or any two or more justices of the peace, be liable to a penalty not exceeding twenty pounds for each offence, or to be imprisoned for a term not exceeding three months, with or without hard labour.

61. Where the occupier of a factory is charged with an offence against this Part of this Act, or the regulations hereunder, he shall be entitled upon information duly laid by him to have any other person whom he charges to be the actual offender brought before the magistrate or justices at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the occupier of the factory proves to the satisfaction of the magistrate or justices that he used due diligence to enforce the provisions of this Part of this Act and regulations hereunder, and that the said other person committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any penalty.

62. In addition to the powers already conferred, the Governor may, by notice in the Gazette, from time to time, make, alter, and repeal regulations—

- (a) for prescribing forms of notices to be given and returns and records to be made under this Act, and the particulars to be set forth therein ;
- (b) to provide for the increase or reduction of the temperature of any rooms in a factory or shop ;
- (c) to prescribe the precautions to be taken against the risk of accident in a factory, and to impose on certain persons the duty of seeing that such precautions are taken ;
- (d) to require the adequate lighting of any factory or portion thereof ;
- (e) to prescribe the cubical spaces and the amount of ventilation for each person employed in a factory or in a room in a factory, and to prevent the overcrowding of persons so employed ;
- (f) to prescribe the material of the flooring and ceiling of factories ;
- (g) to prescribe the dimensions of dressing-rooms in factories or shops ;
- (h) to regulate closet accommodation in factories and shops with regard to situation, design, construction, material, approach, space, and ventilation, as may be necessary for decency or the health and convenience of employees, and to secure proper sanitation ;
- (i) prescribing that separate closet accommodation for members of each sex employed in a factory or shop, and who are not all members of the same family, shall be provided ;
- (j) to compel the supply of sufficient wash-basins and water for the use of employees in factories or shops ;
- (k) to compel the supply of sufficient cold drinking-water for the use of such employees ;

- (l) to compel the fencing of stairways, tanks, vats, and grindstones in factories ;
- (m) extending the provisions of §24 of this Act so as apply to shops or any specified classes of shops ;
- (n) extending the provisions of Sub-section (1) of §30 of this Act, so as to apply to shops or to any specified classes of shops ;
- (o) regulating the construction of doors of exit in any specified classes of shops, and providing for uninterrupted exit by such doors during working hours ;
- (p) generally, for carrying into effect the provisions of this Act ;
- (q) imposing any penalty not exceeding twenty pounds for the breach of any regulation made under this Section :

Provided that the Minister by Notification in the Gazette may exempt any shops or classes of shops from any regulations made under paragraph (i) or paragraph (m) of this Section, and may amend or revoke any such Notification.

### PART III.—MINIMUM WAGE, OVERTIME, AND TEA-MONEY.

#### 63. In this Part of this Act—

“Employer” means—

- (a) any person for whom a workman or shop-assistant works, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the control of any workman or shop-assistant ;
- (b) any person, company, or association employing persons in a factory, warehouse, or shop, or occupying any office, building, or place used as a factory, warehouse, or shop, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the general management or control of a factory, warehouse, or shop.

“Factory” means factory as defined in Part II of this Act.

“Shop-assistant” and “shop” mean respectively shop-assistant and shop as defined by the Acts relating to early closing.

“Workman” means—

- (a) any person employed at any handicraft, or in preparing or manufacturing any article for trade or sale, and includes any person employed in a bakehouse, or laundry, or in dye-works, but does not include any inmate of an institution of a charitable nature ;
- (b) any person who is employed in a factory or who works in a factory at any kind of work whatever.

64. (1) A workman works overtime within the meaning of this Part of this Act when he works more than 48 hours in any week or after six o'clock in the evening on any working day.

(2) A shop-assistant works overtime within the meaning of this Part of this Act when he works more than one half-hour after the closing time of the shop in terms of the Acts relating to early closing.

#### *Minimum Wage.*

65. No workman or shop-assistant shall be employed unless in the receipt of a weekly wage of at least four shillings, irrespective of any amount earned as overtime.



Whosoever employs any such person in contravention of this Section shall be liable to a penalty not exceeding two pounds.

66. Whosoever, either directly or indirectly, or by any pretence or device, requires or permits any person to pay or give, or receives from any person any consideration, premium, or bonus for the engaging or employing by him of any female in preparing, working at, dealing with, or manufacturing articles of clothing or wearing apparel for trade or sale shall be liable on conviction to a penalty not exceeding ten pounds; and the person who has paid or given such consideration, premium, or bonus may recover the same in any court of competent jurisdiction from the person who received the same.

#### *Overtime and Tea-Money.*

67. (1) Where a workman or shop-assistant, being a male under 16 years of age or a female, works overtime, his employer shall, unless exempted under this Section, pay such workman or shop-assistant not less than three-pence for every hour or portion of an hour of the overtime worked.

Such overtime shall be paid for at intervals of not more than one month.

(2) Provided that where it is proved to the satisfaction of the Minister that, by reason of the custom or exigencies of any trade or employment, or for other reason, it is desirable to exempt such trade or employment with regard to males under 16 years of age, either generally or in any particular locality, from the operation of this Section, he may grant such exemption for such time as he thinks fit.

(3) Provided also that payment for overtime may be claimed either under this Section or under §43 of this Act.

(4) If any employer fails to carry out the provisions of this Section he shall be liable to a penalty not exceeding two pounds.

68. Where any workman or shop-assistant, being a male under 16 years of age or a female, is required by his employer to work overtime on any day, the employer shall on such day pay such workman or shop-assistant a sum of not less than sixpence as tea-money, and if he fails to carry out the provisions of this Section he shall be liable to a penalty not exceeding two pounds.

#### *Supplemental.*

69. (1) Every employer shall—

- (a) keep a record, in the form prescribed, of overtime worked by such of his workmen or shop-assistants as are males under 16 years of age or females;
- (b) produce such record and furnish extracts therefrom to an inspector appointed as hereinafter provided when called upon to do so.

(2) If any employer fails to carry out any of the provisions of this Section, he shall be liable to a penalty not exceeding ten pounds.

70. (1) An inspector appointed under Part II. of this Act may, in addition to the powers thereby conferred on him—

- (a) at any reasonable hour, by day or night, enter any building, room, or place where he has reasonable cause to believe a workman or shop-assistant is employed;
- (b) examine any workman or shop-assistant, either alone or in the presence of any other person, with respect to any matter dealt with in this Part of this Act, and require him to sign a declaration of the truth of the matters in respect of which he is so examined;

(c) require the production of and examine and take extracts from any record required by this Part of this Act to be kept.

(2) Any person who obstructs any such inspector in the exercise of his powers under this Section, or who by word or act, or by concealing any person, prevents the examination as aforesaid of any workman or shop-assistant, shall be liable to a penalty not exceeding twenty pounds.

71. The Governor may make regulations for carrying out the provisions of this Part of this Act, and prescribing the forms to be used in its administration, and may in such regulations impose any penalty not exceeding ten pounds for any breach of the same.

A copy of such regulations shall be laid before both Houses of Parliament without delay.

72. Contraventions or breaches of this Part of this Act, or of the regulations made hereunder, shall be reported to the Minister by inspectors, and no proceedings in respect thereof shall be instituted without the authority of the Minister.

73. The penalty for any such contravention or breach may be recovered before a stipendiary or police magistrate, or any two justices of the peace in petty sessions: Provided that proceedings for recovering any such penalty must be commenced within three months after such contravention or breach.

#### *Savings.*

74. This Part of this Act shall not apply where all the persons employed as workmen and shop-assistants are members of the employer's family, related in the first or second degree by blood or first degree by marriage to the employer.

#### *SCHEDULE ONE.*

Reference to Acts.	Short Title.
60 Vic. No. 37 .. ..	Factories and Shops Act of 1896.
Act No. 29, 1908 .. ..	Minimum Wage Act, 1908.*
Act No. 28, 1909 .. ..	Factories and Shops (Amendment) Act, 1909.†

#### *SCHEDULE TWO.*

##### *Factories in which the Employment of Persons is Restricted.*

1. In a part of a factory in which there is carried on—
  - (a) the process of silvering of mirrors by the mercurial process; or
  - (b) the process of making white-lead—
 a person under 18 years shall not be employed.
2. In the part of a factory in which the process of melting or annealing glass is carried on, a male person under 16 years of age and a female under 18 years of age shall not be employed.
3. In a factory in which there is carried on—
  - (a) the making or finishing of bricks or tiles, not being ornamental tiles; or
  - (b) the making or finishing of salt—
 a female under 18 years of age shall not be employed.

\* Text E.B. IV., p. 104.

† Text E.B. VII., p. 181, No. 5, and Text E.B. VII., p. 165.



4. In a part of a factory in which there is carried on—  
 (a) any dry grinding in the metal trade;  
 (b) the dipping of lucifer matches—  
 a person under 16 years of age shall not be employed.
5. No person under 16 years of age shall be employed at or in connection with any manufacturing process or machine where continuous casting from molten lead or any combination thereof is carried on in a printing establishment.

### SCHEDULE THREE.

Chemists' shops; coffee-houses; confectioners; eating-houses; fish and oyster shops; fruit and vegetable shops; restaurants; booksellers' and newsagents' shops; tobacconists' shops; hotels.

**15. An Act to consolidate the laws relating to banks and Bank Holidays.** (No. 43, 1912.) Assented to 26th November, 1912.

**16. An Act to consolidate the Acts relating to Friendly Societies.** (No. 46, 1912.) Assented to 26th November, 1912.

**17. Amendment of Schedule of "Industrial Arbitration Act, 1912."\*** 14th December, 1912. (N.S.W. Industrial Gazette 1912, II., 758.)

His Excellency the Governor, with the advice of the Executive Council, has, in pursuance of the provisions of §16 (1) of the Industrial Arbitration Act, 1912, and in accordance with the resolution passed by the Legislative Council and Legislative Assembly of New South Wales, been pleased to approve that there be added to the industries and callings mentioned in the second column of Schedule One to that Act certain industries and callings, as follows:—

INDUSTRIES AND CALLINGS.	PLACE WHERE ADDED.
Tuckpointers, tilayers .. .. .	After the words "slate workers," in the Building Trades group of industries.
Billiard markers, medical school laboratory and microbiology department attendants.	After the words "public charitable institutions," in the Domestic group of industries.
Candied-peel makers, employees in meat preserving works, poulterers and assistants.	After the words "jam factory employees," in the Food Supply and Distribution (No. 1) group of industries.
Persons engaged throughout the State of New South Wales in the manufacture of butterine and margarine, and in butter, cheese and bacon factories, and persons employed in the milk industry in the County of Cumberland, including employees of dairymen and milk vendors.	After the words "cooling chamber employees," in the Food Supply and Distribution (No. 2) group of industries.
Wood-carvers, pianoforte makers, billiard-table makers, loose cover cutters, carpet cutters and fixers, and box and case makers.	After the words "bamboo workers," in the Furniture Trades group of industries.

\* Text E.B. VIII., p. 187.

## INDUSTRIES AND CALLINGS.

Wire-workers, wire-fence, nail and tubular gate makers, iron-pipe makers, moulders, grinders, dressers, and polishers of any metal, and brass finishers, canister-makers, metal-ceiling employees and sheet-metal fixers; employees engaged in the manufacture of metallic bedsteads, metallic cots, metallic chair-beds, and metal parts of perambulators, waggon and carriage makers and repairers, agricultural and pastoral implements, and machinery makers and repairers, stove, oven and grate makers and repairers and piano frame makers, ship joiners and ship carpenters, and all other persons engaged in the iron and ship-building trades.

Leather dressers, and boot, shoe, and slipper repairers.

Persons engaged in the demolition of buildings, sewer miners, lime-burners and makers, surveyors' labourers.

Sail, tent, and tarpaulin and canvas makers ..

Goldsmiths, silversmiths, gilders, chasers, engravers, lapidaries, persons engaged in the manufacture or repair of watches, clocks, electro-plate ware, spectacles, optician employees (mechanical), wholesale drug factories' employees, coffee and other mill employees, persons employed in or in connection with the manufacturing and refining of sugar, and in all the products of sugar-cane.

Employees engaged in or in connection with mining for minerals other than coal or shale, and all persons engaged in and about diamond and gem-bearing mines.

Employees in any branch of the process of photography, employees in dental workrooms, and theatrical employees.

Trimmers .. .. .

Caretakers and cleaners employed in or in connection with any place of business, employees engaged in the working and maintenance of privately-owned railways.

Turnstile hands, ticket and change hands, wharf cleaners, and all other persons employed in connection with ferry services.

## PLACE WHERE ADDED.

After the words "wire netting makers," in the Iron and Shipbuilding Trades group of industries.

After the words "basil-workers," in the Leather Trades group of industries.

After the words "timber-getters and carters," in the Labourers' group of industries.

After the words "shale products," in the Manufacturing (No. 1) group of industries.

After the words "electro-platers," in the Manufacturing (No. 2) group of industries.

After the words "reduction works," in the Metalliferous Mining (general) group of industries.

After the words "warehouse employees," in the Professional and Shop Workers group of industries.

After the word "firemen," in the Shipping group of industries.

After the word "watchmen," in the miscellaneous group of industries.

After the words "ferry boats" in the Shipping group of industries.



18. An Act to amend the Miners' Accident Relief Act, 1900, the Miners' Accident Relief (Amendment) Act, 1901, and the Miners' Accident Relief (Amendment) Act, 1910\* ; and for other purposes. (No. 69, 1912.) Assented to 20th December, 1912.
19. An Act to amend the Friendly Societies (Amendment) Act, 1906.† (No. 1, 1913.) Assented to 7th January, 1913.
20. Regulations under the Factories and Shops Act No. 39, 1912, 29th April, 1913. (Government Gazette No. 77, of 14th May, 1913 ; N.S.W. Industrial Gazette III., 829.)

## [EXTRACT.]

[(1, 2) Air space and ventilation (3-8).—Temperatures (9-11).—Cleaning (12).—Adequate lighting (13).—Dressing rooms (14).—Closet accommodation (15).—Lavatory accommodation (16).—Drinking water (17).—Mode of conducting arbitrations (18).—Risk of accident (19, 20).]

19. (4) An occupier of a factory or any person in control of any boy under 16 years of age or of any female shall, when any mill-gearing is in motion by mechanical power, not permit or allow such person to—

(a) Oil or grease any portion of such mill-gearing.

(b) Put on or put off or adjust or tighten or lace any belt or belting of such mill-gearing, or attempt so to do.

(c) Go on or remain on any overhead staging erected for the purpose of serving any such mill-gearing.

(5) An occupier of a factory or any person in control of any boy under 18 years of age, or any female, shall not permit or allow such person to :—

(a) Be in charge of any engine or boiler ;

(b) Attend to any engine or boiler, unless the inspector is satisfied that such act done by such person is under the direct supervision of a competent person.

(7) In any factory where machinery is moved by mechanical power, no female shall be employed at or near, or about, such machinery or in any room where she may have occasion to pass such machinery, whilst her hair is not covered or closely fastened to her head or whilst she is wearing flowing hair or neck ribbons or laces or such loose articles of dress.

Electrical switchboards and generators (21).—Floors and ceilings of factories (22, 23).—Doors opening outwards and construction of same (24).—Means of extinguishing fire (25).—Forms for the registration of factories, record of employees, homework, overtime, etc. (26-46).

*Certificates of Fitness.*

47. Certificates of fitness for employment must be obtained in all factories :—

(a) In which or in connection with which steam or other mechanical power is used.

(b) In which or in connection with which work is carried on incidental to the following businesses, manufactures or trades :—Aerated water works ; bake-houses ; blast furnaces ; bleaching and dyeing works ; bookbinding works ; brick and tile works ; candle, soap and tallow works ; chemical works ; cigars ; cigarettes, and tobacco works ; coach-building works ; copper mills ; die-sinking and engraving works ; earthenware works ; foundries ; galvanising works ; glass and glass bottle works ; glass bevelling and cutting ; glass silvering and staining iron mills ; lead and shot works ; manure works, bone mills, glue works, etc. ; metal works (that is to say) : any works in which the manufacture of any article of metal is carried out ; paint works ; painting and varnishing ; plumbers' works ; printing works ; rope works ; stone-dressing works ; tinware works ; varnish works ; whitelead works ; wire works ; woolwash and felmongery, and in such other cases as the Minister may, by written notice, require, forms for examination by legally qualified medical practitioners and reports of inspectors.

\* Title E.B. X. p. 261, No. 5.

† Title E.B. III., p. 87, No. 8.

21. An Act to amend the Coal Mines Regulation Act, 1912 ; to bring certain persons under the Public Service Act, 1902 ; and for purposes consequent thereon or incidental thereto. (No. 11, 1913.) Assented to 15th October, 1913.

22. An Act to prohibit the use of white phosphorus in the manufacture of matches ; to prohibit the sale of matches made with white phosphorus ; to amend the Factories and Shops Act, 1912 ;\* and for purposes consequent thereon or incidental thereto. (No. 1, 1915.) Assented to 9th February, 1915.

1. This Act may be cited as the " White Phosphorus Matches Prohibition Act, 1915," and shall come into operation on 1st June, 1915.

2. In this Act, " White phosphorus " means the substance usually known as white or yellow phosphorus.

This definition shall be inserted at the end of §3 of the Factories and Shops Act, 1912.

3. If any person manufactures or causes to be manufactured any matches in the manufacture of which white phosphorus is used he shall be liable to a penalty not exceeding twenty pounds. Such penalty may be recovered in a court of petty sessions, and such court may, in addition to imposing any such penalty, forfeit any white phosphorus, or any matches made with the same, which are apparently in the possession of the said person.

4. If any person sells, or offers or exposes for sale, or has in his possession for the purposes of sale, any matches made with white phosphorus, he may, on complaint to a court of petty sessions, be ordered to forfeit any such matches in his possession. Any matches so forfeited shall be destroyed or otherwise dealt with as the court may think fit.

5. The Factories and Shops Act, 1912,\* is amended :—

(a) in §1 by the insertion after the words : " Division 3.—*Sanitary Arrangements*, etc., §§20–30 " of the words " Division 3A.—*White Phosphorus*—§§30A–30B " ; and

(b) by the insertion next after §30 of the following short heading and Sections :—

#### DIVISION 3A.—*White Phosphorus*.

30A. Any factory in which white phosphorus is used in the manufacture of matches shall be deemed to be a factory not kept in conformity with this Act.

30B. The occupier of a factory in which the manufacture of matches is carried on shall allow an inspector at any time to take for analysis sufficient samples of any material therein in use or mixed for use, and if he refuses to do so he shall be liable to a penalty not exceeding twenty pounds.

Provided that the inspector, at the request of the said occupier, shall divide any such sample into two parts, to be then and there separated, and shall label or mark and seal or fasten up each part in such manner as its nature will permit, and shall deliver one of the said parts to the said occupier, or his agent or servant, and shall retain the other part for analysis.

## 2. VICTORIA.

**An Act to amend the Friendly Societies Acts.** (No. 2533.) 5th October, 1914.

\* Text E. B. X., p. 264, No. 14.



## 3. QUEENSLAND.

1. **An Act to enable the Government to assist persons in receipt of small incomes to provide homes for themselves.** (No. 10, 1909.) Assented to 22nd December, 1909.)
2. **An Act to amend the Workers' Compensation Act of 1905\* by extending its provisions to cases of disablement for three days and upwards, by extending the time during which compensation shall be payable.** (No. 16, 1909.) Assented to 29th December, 1909.
  1. This Act may be cited as "The Workers' Compensation Act Amendment Act of 1909," and shall read as one with "The Workers' Compensation Act, 1905,"\* herein referred to as the Principal Act.
  2. (1) In paragraph (i.) of Sub-section 2 of §4 of the Principal Act, the words "two weeks" are repealed, and the words "three days" are inserted in lieu thereof.
  - (2) In clause B and in provisoes (a) and (b) of paragraph (i.) of Rule 1 of the Schedule to the Principal Act, the words "after the second week," wherever these words occur, are repealed.
3. **Regulations under the Workers' Dwellings Act of 1909.**† 23rd February, 1910.
4. **An Act to make better provision for the regulation and inspection of mines.** (No. 24, 1910.) Assented to 7th January, 1911.

## [EXTRACT.]

32. (1) No person under the age of 21 years shall act as mine manager.
- (2) No person under the age of 18 years shall be employed as brace-man, platman, or lander in or on any mine, or be allowed to handle, charge, or fire explosives.
- (3) No boy under the age of 16 years, except with the written permission of the Chief Inspector of Mines, and who has passed the fifth standard at school, and who has also obtained a doctor's certificate as to his physical fitness, and no female shall be employed below ground in any mine. No such permission shall be granted with respect to any boy under the age of fourteen years.
- (4) In dangerous ground, no workman shall be employed alone unless there is some person within easy hearing.
36. No person other than a watchman or caretaker in charge of machinery used in connection with any mine shall be so employed for more than eight consecutive hours at any time, or for more than eight hours in any 24 hours. Such period of eight hours shall be exclusive of :—
  - (a) any time occupied in raising or exhausting steam, or in drawing fires in connection with the machinery in his charge ; and
  - (b) meal times ; and
  - (c) any time in which such person is employed in case of breakage or other emergency.
37. (1) No person shall do or cause or permit to be done any work in or about a mine on Sunday unless such work is :—
  - (a) that of watchman or caretaker for the protection of property in or about the mine ;

\* Text E.B. III., p. 88, No. 2.

† See No. 1 above.

(b) in connection with smelting or roasting furnaces, or ore reduction plants using chemicals in a continuous process ;

(c) examination of shafts, ropes, and other appliances, or repairs or cleaning above or below ground which cannot be done upon any other day without unduly interfering with the working of the mine, and which are necessary to enable work to be resumed at the close of Sunday ;

(d) pumping or otherwise clearing a mine from water so that work may be resumed at the close of Sunday ;

(e) sinking any shaft in wet ground when, in the opinion of the inspector, the inflow of water is so serious as to necessitate continuous work ;

(f) necessitated by a dangerous emergency ;

(g) authorised by an inspector, as hereinafter provided.

(2) Every owner, agent or manager who employs a workman to do work on a Sunday contrary to this Act shall be liable to a penalty not exceeding £5 for every workman so employed.

38. An inspector, on being satisfied that the employment of labour on a Sunday is necessary to avoid the risk of damage to the underground workings, machinery, or equipment of a mine, or serious delay in the subsequent working of the mine, may give a permit for such employment by writing, stating therein :—

(a) the reasons therefor ;

(b) the number of workmen who may be employed ;

(c) the nature of the work to be performed ; and

(d) the period for which the authority shall extend.

Permits granted in accordance with this Section shall be posted at a conspicuous place at the surface brack.

**5. An Act to authorise the construction and establishment of sugar works by means of moneys advanced by the State, and to provide for the repayment of such moneys and for the maintenance, management and control of such sugar works, and for other purposes connected therewith. (No. 8, 1911.) Assented to 26th October, 1911.**

**6. An Act to consolidate and amend the law relating to State children. Assented to 30th November, 1911.**

67. (1) Any person who causes or procures any child to be in any public place other than premises licensed according to law for public entertainments for the purpose of singing, playing or performing for profit, or offering anything for sale, between seven o'clock in the evening and six o'clock in the morning, shall be liable to a penalty not exceeding twenty-five pounds or to imprisonment, with or without hard labour, for any period not exceeding six months.

(2) Any child under the age of 14 years who is employed or engaged in any circus or acrobatic or other entertainment or exhibition by which his life, education, health or safety is likely to be lost or prejudiced or endangered, shall be deemed a neglected child for all the purposes of this Act ; and any person so employing or engaging any such child shall be guilty of an offence.

**7. An Act to amend §§5 and 7 of the Workers' Dwellings Act of 1909\* in certain particulars. (No. 27, 1911.) Assented to 9th January, 1912.**

**8. Regulations under the State Children Act of 1911.† 18th July, 1912.**

\* See No. 1 on preceding page.

† See No. 6 above.

9. An Act to make provision for holidays and for other purposes connected therewith and to repeal the Bank Holidays Acts, 1904-1906. (No. 17, 1912.) Assented to 5th December, 1912.
10. An Act to make better provision for industrial peace and for purposes incidental to that object. (No. 19.) Assented to 7th December, 1912.

# PART I.—PRELIMINARY.

1. This Act may be cited as "The Industrial Peace Act of 1912."
2. This Act is divided into Parts, as follows :—
  - PART I.—*Preliminary.*
  - PART II.—*The Industrial Court.*
  - PART III.—*Industrial Boards.*
  - PART IV.—*Breaches of Awards and other Offences.*
  - PART V.—*Lock-outs and Strikes.*
  - PART VI.—*Miscellaneous.*
3. In this Act, unless the context otherwise indicates, the following terms have the meanings respectively set out against them, that is to say :
  - "Apprentice"—Any person under 21 years of age bound by indentures of apprenticeship for the purpose of being instructed in the knowledge and practice of any calling to which this Act applies for a period of not less than three years : the term does not include a State child within the meaning of "The State Children Act of 1911," or any aboriginal within the meaning of "The Aborigines Protection and Restriction of the Sale of Opium Acts, 1897 to 1901";
  - "Award"—Award of an Industrial Board or of the Court : the term includes a determination of a Special Board appointed under the repealed Acts in existence at the passing of this Act ;
  - "Calling"—Any calling, craft, business, or other occupation to which this Act applies ;
  - "Court"—The Industrial Court constituted by this Act ;
  - "Crown" includes any State Department and the officers thereof and the corporations respectively of the Railway Commissioner and the Secretary for Public Instruction in Queensland, and the officers of such corporations respectively, but does not include the corporation of the "Treasurer" created under or for the purposes of "The Sugar Works Guarantee Acts, 1893 to 1908," or "The Sugar Works Act of 1911," or any officer of such corporation ;
  - "Decision" includes any award or order of the Court ;
  - "Employee"—Any employee, whether on wages or piece-work rates, in any calling to which this Act applies : the term includes any person whose usual occupation is that of employee in such calling : the term does not include the Crown or any person in the public service of the Crown : also, the term does not include any member of a family in the employment of a parent, or any aboriginal within the meaning of "The Aborigines Protection and Restriction of the Sale of Opium Acts, 1897 to 1901";
  - "Employer"—Any person, company, corporation, firm, or association employing or usually employing one or more employees, whether on behalf of himself or any other person : the term includes the managing director or the manager of any company,



firm, or association corporate or unincorporate, and every manager for any employer, also local authorities, harbour boards, water authorities, the Metropolitan Water and Sewerage Board, and all other local bodies constituted by or under any Act : the term does not include the Crown ;

" Improver "—Any person under 21 years of age who receives a lower wages price or rate than that fixed by any award for ordinary adult employees, or who, being over 21 years of age, holds a licence to work as an improver : the term includes every apprentice who is bound under indentures for a period of less than three years, but does not include any other apprentice or any young worker : the term does not include a State child within the meaning of " The State Children Act of 1911,"\* or any aboriginal within the meaning of " The Aborigines Protection and Restriction of the Sale of Opium Acts, 1897 to 1901 " ;

" Industrial agreement "—An industrial agreement made under the repealed Acts and subsisting at the passing of this Act, or any industrial agreement made under this Act ;

" Industrial association "—Any association, society, organisation, or union whatsoever of persons, firms, or companies, whether of employers or of employees, and whether registered under any law or unregistered, having as its principal object the protection or furtherance of the privileges, rights, or property of its members in connection with industrial matters ;

" Industrial Board " or " Board "—A Special Board appointed under the repealed Acts, or an Industrial Board appointed under this Act ;

" Industrial dispute "—Any dispute as to any industrial matter ; the term does not include any dispute as to any industrial matter arising in connection with employment by or under the Crown ;

" Industrial matters "—Matters or things affecting or relating to work done or to be done or the privileges, rights or duties of employers or employees in any calling to which this Act applies, or of persons who intend or propose to be employers or employees in any such calling, not involving questions which are or may be the subject of proceedings for an indictable offence :

Without limiting the ordinary meaning of this definition, the term includes all or any matters relating to—

(a) The wages, allowances, or remuneration of any persons employed or to be employed in any calling, or the piece-work or other rates or prices paid or to be paid therein in respect of that employment, including the wages, allowances, or remuneration to be paid for work done during overtime or, subject to this Act, on holidays, or for other special work, and also including the question whether piece-work shall be allowed in any calling ;

(b) The hours of employment in any calling, including the lengths of time to be worked to entitle employees therein to any given wages, allowances, remuneration, or prices, and what times shall be regarded as overtime ;

(c) The sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment, including the question

\* See No. 6 on page 288.

whether any persons shall be disqualified for employment in a calling for any reason other than their membership or non-membership of any industrial association :

(d) The number or proportionate number of aged, slow, or infirm workers, apprentices, and improvers that may be employed by an employer in any calling ; and the lowest prices or rates payable to them :

(e) The relationship of master and apprentice :

(f) The employment of children or young workers, or of any person or class of persons in any calling :

(g) The right to dismiss or to refuse to employ or reinstate in employment any particular persons or class of persons in any calling for any reason other than their membership or non-membership of any industrial association :

(h) Any established or alleged established custom or usage of any calling, either general or in any particular locality :

(i) All matters prescribed :

(j) All questions of what is fair and right in relation to any industrial matter having regard to the interests of the persons immediately concerned and of the community as a whole ;

“ Judge ”—A Judge of the Court, or any acting Judge thereof ;

“ Lock-out ”—The act of an employer in closing his place of business, or suspending or discontinuing his business or any branch thereof, or a refusal or failure by an employer to continue to employ any number of his employees, with intent—

(a) To compel or induce any employees to agree to terms of employment, or comply with any demands made upon them by the said or any other employer ; or

(b) To cause loss or inconvenience to his employees, or any of them ; or

(c) To incite, instigate, aid, abet, or procure any other lock-out ; or

(d) To assist any other employer to compel or induce any employees to agree to terms of employment, or comply with any demands made by him :

“ Minister ”—The Minister of the Crown for the time being charged with the administration of this Act ;

“ Prescribed ”—Prescribed by this Act ;

“ Registrar ”—The Industrial Registrar appointed under this Act : the term includes any Deputy or Assistant Industrial Registrar so appointed ;

“ Regulations ”—Regulations made under this Act ;

“ Repealed Acts ”—“ The Wages Boards Acts, 1908 to 1912\* ” ;

“ Rules of Court ”—Rules made by the Court under this Act ;

“ Strike ”—The act of any number of employees, who are or have been in the employment either of the same employer or different employers, in discontinuing their employment, whether wholly or partially, or in ceasing to work, or in refusing or failing to continue to work therein, or in breaking their contracts of service, or in refusing or failing after any such discontinuance or cessation of work to resume work or return to their employment, the said discontinuance, cessation, breach, refusal, or failure being due to or in pursuance of any combination, agreement, or

\* Text E.B. III., p. 168, and Text E.B. VII., p. 119.

understanding, whether expressed or implied, entered into by the said employees or any of them with intent—

(a) To compel or induce any such employer to agree to terms of employment, or to employ or cease to employ any person or class of persons, or to comply with any demands made by the employees or any of them or by any other employees ; or

(b) To cause loss or inconvenience to any such employer in the conduct of his business ; or

(c) To incite, instigate, aid, abet, or procure any other strike ; or

(d) To assist employees in the employment of any other employer to compel or induce that employer to agree to terms of employment, or to employ or cease to employ any person or class of persons, or to comply with any demands made by any employees ;

“ This Act ” includes Rules of Court and Regulations made under this Act ;

“ Young worker ”—Any person under 21 years of age (other than an apprentice or an improver) who receives a lower wages price or rate than that fixed by any award for ordinary adult employees : the term does not include a State child within the meaning of “ The State Children Act of 1911,”\* or any aboriginal within the meaning of “ The Aborigines Protection and Restriction of the Sale of Opium Acts, 1897 to 1901.”

4. (1) “ The Wages Boards Acts, 1908 to 1912.”† are repealed.

(2) Subject to this Act, every Special Board constituted or appointed, or purporting to have been constituted or appointed, under the repealed Acts—a list whereof is set forth in the First Schedule to this Act—shall be deemed to have been constituted and appointed an Industrial Board under this Act, and shall continue in existence for the purposes for which it was appointed ; and for the purpose of the first election and appointment of the members of any such Special Board which has been constituted under the repealed Acts, but the members whereof have not been elected or appointed at the date of the passing of this Act, the repealed Acts shall remain in full force and effect notwithstanding the repeal thereof.

(3) Every determination of a Special Board made or purporting to have been made under or pursuant to the repealed Acts shall be valid and binding as an award of an Industrial Board under this Act.

But any such determination shall in all respects be subject to this Act in the same manner and to the same extent as if it had been made as an award thereunder.

5. This Act applies to the callings enumerated in the Second Schedule to this Act, and to such other callings as the Governor in Council may from time to time, by Order in Council published in the Gazette, declare to be callings within the meaning and for the purposes of this Act, and to all employers and employees in every such calling, but does not apply to any other calling, trade, employment, business, undertaking, or industry whatsoever.

## PART II.—THE INDUSTRIAL COURT.

6. (1) There is hereby constituted a Court to be called the Industrial Court, which shall be a court of record and shall have a seal, which shall be judicially noticed.

\* See No. 6 on page 288.

† Text E.B. III., p. 168, and Text E.B. VII., p. 119.



(2) The Governor in Council shall, by commission in His Majesty's name, appoint the Judge of the Court.

(3) The Governor in Council may, if and as he deems it necessary, in like manner, appoint an acting Judge or acting Judges of the Court.

(4) A Judge or acting Judge so appointed shall be a barrister or solicitor of not less than five years' standing or a Judge of the Supreme Court or District Court.

(5) The salary of a Judge of the Court shall be such amount as is fixed by the Governor in Council as regards the particular Judge, but shall not exceed the salary for the time being of the Puisne Judges of the Supreme Court, and such salary shall not be diminished during his continuance in office.

(6) Notwithstanding anything contained in any other Act, if a Judge of the Supreme Court or District Court is appointed a Judge of the Court, he shall retain his office as a Judge of the Supreme Court or District Court. If a Judge of the Supreme Court, he shall perform the functions of a Judge under this Act without extra remuneration. If a Judge of the District Court, he shall for the performance of the functions of a Judge under this Act receive such extra remuneration as the Governor in Council may fix.

(7) A Judge or acting Judge sitting alone shall constitute the Court ; and, except as is herein otherwise provided, all the powers and functions of the Court may be exercised by any such Judge sitting or acting alone.

(8) If more than one Judge is sitting at the same time, each of them shall constitute the Court.

(9) A Judge of the Court, other than an acting Judge, shall be entitled to hold office for a period of seven years.

A Judge or acting Judge shall be eligible for reappointment, and shall be liable to be removed from office in the same manner and upon the same grounds as a Judge of the Supreme Court is by law liable to be removed from office.

(10) If the period of office of any Judge or acting Judge expires during the continuance of any investigation or any matter on which he has entered as Judge, the Governor in Council may (and from time to time, if necessary), without reappointment, continue him in office for such time as is necessary to enable him to complete such investigation or matter.

7. (1) Subject to this Act, the Court shall have jurisdiction over all industrial matters and industrial disputes in any calling which are submitted to it—

(a) By the Minister or the Registrar as proper to be dealt with by it in the public interest ; or

(b) By an employer employing or usually employing, or any number of employers employing or usually employing, not less than twenty employees in any calling ; or

(c) By not less than 20 employees in any calling ; and the Court in the exercise of such jurisdiction shall have all the powers and authorities of a Board, and may make such awards and orders as it thinks proper.

(2) The Registrar may at any time submit to the Court that a Board appointed for any calling has been guilty of wilful or unnecessary delay in making an award with respect to any industrial matter or industrial dispute within its jurisdiction, whereupon the Court may call upon the Board to show cause why the Court should not exercise the functions and jurisdiction of the Board with respect to such matter or dispute.

The Court, if after due inquiry it is satisfied that the Board has been guilty of such delay as aforesaid, may make an order that the functions and jurisdiction of the Board as aforesaid shall be exercisable by the Court.

Upon such order being made, the Court shall have all the jurisdiction, powers, and authorities of the Board, and may make such award and orders with respect to the matter or dispute in question as it thinks proper; and the Board shall cease to exercise its functions or to have jurisdiction with respect thereto.

(3) Save as last aforesaid, the Court shall not (except by way of appeal under this Act) have jurisdiction over any industrial matter or industrial dispute concerning any calling for which a Board is in existence.

8. (1) There shall be an appeal to the Court against any award of a Board or any part thereof or any proceedings of a Board.

Such appeal may be brought by any person bound by the award or arrived at by the proceedings, or by any industrial association interested therein, and shall be commenced within six weeks after the publication of the award in the Gazette or the taking of the proceedings, or within such further time as the Court on an application for extension of time deems proper.

(2) Notwithstanding anything herein contained, the Crown may, at any time after the making of an award by a Board, appeal against such award or any part thereof to the Court. In such case the Governor in Council may, if he thinks fit, by Order in Council published in the Gazette, suspend the award or part thereof appealed against for any period not exceeding three months.

(3) Save as last aforesaid, the pendency of an appeal against an award or part thereof shall not, unless the Court otherwise orders, suspend or delay the operation of such award or part thereof.

(4) On an appeal, the Court may allow any person or industrial association interested to become a party to the proceedings, and may take fresh evidence, and shall have all the powers and authorities of a Board, and may confirm, vary, or rescind the award or make a new award, or may make such other orders as it thinks proper.

(5) The expression "appeal" in this Act includes proceedings by way of prohibition with respect to an award or any proceeding of a Board.

9. The Judge may act as a mediator in any industrial matter or industrial dispute, whether or not it is within the jurisdiction of the Court, in all cases in which it appears to him that his mediation is desirable in the public interest.

10. (1) The Judge may, whenever in his opinion it is desirable for the purpose of preventing or settling an industrial dispute, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself.

(2) Any person may be so summoned, notwithstanding that he is not connected with the dispute, if the Judge thinks that such person's presence at the conference is likely to conduce to the prevention or settlement of the dispute.

(3) Any person so summoned shall attend the conference and continue his attendance thereat as directed by the Judge, and in default shall be guilty of contempt of court, and, by order of the Judge, shall be liable to a penalty not exceeding one hundred pounds.

(4) The conference may be held partly or wholly in public or in private, at the discretion of the Judge.

(5) Any person so summoned, who attends pursuant to the summons and continues his attendance as directed by the Judge, shall be entitled to be paid by the Crown such (if any) amount as the Judge certifies to be a reasonable recompense for his expenses and loss of time.

11. The jurisdiction of the Court in all industrial matters and industrial disputes, whether original or by appeal, conferred on it by this Act shall be exclusive:

12. (1) In the course of the hearing, inquiry, or investigation (including any compulsory conference summoned by the Judge as hereinbefore provided) of any industrial matter or industrial dispute the Court shall make all such suggestions and do all such things as appear to it to be right and proper for dealing with the matter or bringing about the settlement of the matter or dispute by amicable agreement.

(2) If an agreement is arrived at, a memorandum of its terms shall be made in writing and certified by the Judge, and such memorandum shall be filed in the office of the Registrar, and, unless otherwise ordered and subject as may be directed by the Court, shall have the same effect as, and be deemed to be, an award of the Court.

13. (1) The award of the Court in any industrial matter or industrial dispute shall be framed in such a manner as to best express the decision of the Court and to avoid unnecessary technicality, and shall, subject to any variation ordered by the Court, take effect and have the force of law within the locality specified in the award, and continue in force for a period to be specified in the award not exceeding twelve months from the date thereof unless sooner rescinded or varied.

(2) After the expiration of the period so specified, the award shall, unless the Court otherwise orders, continue in force until a new award has been made.

14. The award shall be binding on—

(a) All parties to the industrial matter or industrial dispute who appear or are represented before the Court ;

(b) All parties who have been summoned to appear before the Court as parties to the matter or dispute, whether they have appeared in answer to the summons or not, unless the Court is of opinion that they were improperly summoned before it as parties ;

(c) All industrial associations connected with the calling to which the award applies ;

(d) All members of industrial associations bound by the award ;

(e) All employers and employees in the locality to which the award applies in the calling to which it applies ; and

(f) All persons who, whether as employers or employees, are engaged in that calling in that locality at any time while the award remains in force.

15. (1) Subject to this Act, the Court may rescind or vary any decision, recommendation, direction, appointment, reference, or other act made or done by it.

But no decision shall be varied or reopened except on the application of a party thereto, or of a person or industrial association bound thereby, or affected or aggrieved by the decision or claiming to be so affected or aggrieved.

(2) Where any recommendation of the Court has been acted on and the Court afterwards rescinds or varies the same, it shall be in the discretion of the Governor in Council either to cancel the action taken by him in pursuance



of such recommendation, or to vary it to accord with the rescission or variation of the Court.

16. Save as is provided by the last preceding Section, any decision of the Court, whether acting in its original or appellate jurisdiction, shall be final, and shall not be removable to any other Court by *certiorari* or otherwise.

No decision or proceeding of any kind whatever of the Court shall be challenged, appealed against, reviewed, quashed, or called in question in any other Court or tribunal on any account whatever.

17. (1) The Governor in Council may appoint an Industrial Registrar and one or more assistant Industrial Registrars, who shall have the prescribed powers and duties.

(2) The Governor in Council may appoint any person to act as a deputy for the Registrar for a time not exceeding in any case 30 days while such Registrar is absent from his duties for any cause; and every such deputy shall while so acting have the same jurisdiction and powers and perform the same duties as if he were the Registrar.

18. The provisions set forth in the Third Schedule to this Act shall be applicable in all matters with respect to which the Court has jurisdiction, whether original or by way of appeal, and shall be observed.

### PART III.—INDUSTRIAL BOARDS.

19. (1) Industrial Boards may be created for any calling to which this Act applies.

No Board shall be created except on the recommendation of the Court.

(2) Before any Board is created, application therefor shall be made to the Registrar.

(3) Such application may be made by—

(a) Such number of employers in any calling as is prescribed by rules of Court; or

(b) Such number of employees in any calling as is prescribed by rules of Court.

The Registrar shall submit every such application to the Court.

(4) The Court shall inquire into the matter of the application, and furnish its recommendation to the Minister.

(5) The Court may recommend—

(a) The creation of a new Board; or

(b) That the jurisdiction of an existing Board should be extended to the calling of the applicants or any of them; or

(c) That the locality in which an existing Board has jurisdiction should be extended or diminished, and that in consequence the number of its members should be altered as specified; or

(d) That, for the purposes of the creation of a Board or Boards and the jurisdiction of the same, certain specified callings should be transposed, divided, combined, rearranged, or regrouped; or

(e) That no action be taken in the matter of an application.

If the Court recommends the creation of a new Board, it shall also state the calling for which the Board should be created, and the number of members of the Board, and, if the Board is to have jurisdiction limited in area, the locality in which it should have jurisdiction.

If the Court recommends that the jurisdiction of an existing Board should be extended, it shall also state the calling with respect to which such jurisdiction should be extended, and what increase, if any, in the number of members of the existing Board should be made.

If the Court recommends any transposition, division, combination, rearrangement, or regrouping of callings, it shall also state the Boards and awards or industrial agreements, whether existing at the passing of this Act or thereafter created or made, which would be affected thereby, and recommend what Board or Boards, if any, should be dissolved, or what Board or Boards with what number of members should be created, or what increase, if any, in the number of members of any existing Board or Boards should be made, and what award or awards and industrial agreement or agreements, if any, should be rescinded or varied, and the extent of such variance.

(6) Thereupon the Governor in Council may, by Order in Council—

(a) Create a new Board, and declare the number of its members, the calling for which it is created, and assign a name to the Board ; or

(b) Extend the jurisdiction of the existing Board referred to by the Court to the calling over which the Court has recommended that it should have jurisdiction, and, if required, increase the number of members thereof ; or

(c) Extend or diminish the locality in which an existing Board shall have jurisdiction, and, if deemed necessary, alter the number of its members ; or

(d) Transpose, divide, combine, rearrange, or regroup the callings concerned, and dissolve such Board or Boards and create such Board or Boards with such number of members as may be specified, or, if required, increase the number of members of any existing Board or Boards.

In every case, if any Board is to have jurisdiction limited in area, the locality in which it is to have jurisdiction shall be declared.

In every case in which the number of members of a Board is altered, the equality of representation thereon of employers and employees shall be preserved. If such number is decreased, the Order shall declare what members shall forthwith go out of office.

In every case where the Governor in Council acts under this Sub-section, he may rescind or vary such award or awards or industrial agreement or agreements as in his judgment will more effectually ensure the purposes and objects of this Act.

(7) Notwithstanding anything hereinbefore contained, the Court may of its own motion at any time make any recommendation to the Governor in Council which it has power to make after application as hereinbefore mentioned, and the Governor in Council may act on any such recommendation.

20. (1) Subject to this Act, Boards shall consist of not less than four nor more than 12 members and a chairman, as shall be declared in the Order.

(2) The Governor in Council may, on the recommendation of the Court, at any time remove any member of a Board and, in accordance with this Act, appoint another member in his stead.

(3) Any Board may be appointed with jurisdiction throughout the whole State or with jurisdiction limited to any specified locality or localities.

(4) Subject to this Act, the Governor in Council, on the recommendation of the Court, may, if he thinks fit, from time to time, increase the number of members or decrease the number of members of a Board, whether appointed before or after the passing of this Act, provided that the number thereof shall not exceed 12 or be less than four, exclusive of the chairman, and that the number of representatives of employers and employees respectively as hereinafter provided shall always remain equal.

(5) One-half of the members of a Board shall be appointed as representatives of employers, and one-half as representatives of employees.

(6) The representatives of the employers shall be at the date of their appointment *bona fide* and actual employers in the calling concerned, and the representatives of the employees shall be at the date of their appointment *bona fide* and actual employees in such calling, and, in each case if a Board has jurisdiction limited in area, within such area. The president or chairman of any local body which is an employer within the meaning of this Act, and any manager of a sugar works vested in or controlled by the corporation of the "Treasurer," shall be eligible to be an employers' representative.

(7) Subject to this Act—

(a) Appointments as members of a Board shall be for three years only, but any member of a Board may, on the expiration of his term of office, be reappointed ;

(b) When the number of members is increased, the new members shall be appointed for such period as will require them to go out of office in the usual course when the existing members so go out of office ;

(c) The chairman of a Board shall be deemed to be a member thereof :

Provided that when the Order in Council appointing a Board is rescinded the members of such Board shall forthwith cease to hold office.

11. Within two months after a notification by the Registrar published in the Gazette of the creation by the Governor in Council of a Board for any calling, or of the extension by the Governor in Council of the jurisdiction of an existing Board to any calling and of the increase of the number of members of any Board, or of the extension of the locality in which the Board shall have jurisdiction and of the increase of the number of its members, the employers and employees in such calling shall elect their respective proportions of such Board or, if required, of the increased number of members for such calling.

Notwithstanding anything contained in this Act, where in any locality there is only one employer in any calling, such employer may elect any persons other than members of the legal profession, whether qualified or not, as his proportion of such Board.

The names of the persons so elected shall be filed in the office of the Registrar. If the Registrar is satisfied that such persons are duly qualified and have been duly elected, he shall forward a certificate to that effect to the Minister. The Registrar shall refer to the Court any matter of dispute arising with respect to any such qualification or election, and the Court shall inquire into the same, and may order the Registrar to forward the prescribed certificate, or order a fresh election, or make any other order in the premises as it thinks proper, and every such order shall be final and without appeal.

Upon receiving the aforesaid certificate, the Governor in Council, by notice published in the Gazette, shall appoint the persons named therein as representatives of employers and representatives of employees to be members of such Board :

Provided, however, that, if the employers or the employees fail to make such election within the time herein limited, the Governor in Council shall, by notice published in the Gazette, appoint persons as representatives of such employers or employees failing to make such election.

22. If any vacancy occurs from any cause whatsoever in a Board, it shall be filled by election as aforesaid by the employers or employees whose representative has caused such vacancy, and the Governor in Council, by notice published in the Gazette, shall appoint the person so elected, or, in default of such election within one month after the vacancy has arisen, he



shall, by notice as aforesaid, of his own motion appoint some person as representative of the employers or employees (as the case may require) for the unexpired portion of the term of office of the member who has vacated his seat.

23. (1) The members of a Board shall, within 28 days after their appointment, nominate in writing to the Registrar some person (not being one of such members) to be chairman of the Board.

The Registrar shall forward a certificate to the Minister stating the name of the person so nominated, whereupon such person shall be appointed by the Governor in Council to such office.

(2) If the Registrar does not receive such nomination within 28 days after the appointment of the said members, then the Governor in Council may appoint the chairman on the recommendation of the Court.

(3) Any vacancy which occurs in the office of chairman shall be filled in like manner, and the person so appointed shall hold office only for the unexpired portion of the term of office of the person who has vacated office.

(4) If at any time the Court, on a submission by the Registrar, is of opinion that the chairman of a Board has wilfully neglected to perform any of his prescribed duties, the Court may, after hearing such chairman, recommend to the Governor in Council that he be removed from office, and that some other person to be named (not being already a member of the Board) be appointed in his place; thereupon the Governor in Council may remove such chairman and appoint such other person.

24. Before the chairman or any member of a Board enters upon the duties of his office, he shall take and sign before a police magistrate an oath or affirmation that he will faithfully exercise and discharge the powers and duties of his office without fear of or favour to any person, and will not therein wilfully make any false or inaccurate statement. Every such oath or affirmation shall be filed in the office of the Registrar and recorded.

25. A Board may, with respect to the calling for which it has been created, make an award determining any industrial matter or dispute in connection with such calling.

26. (1) All powers of a Board may be exercised by a majority of the members thereof.

(2) During any vacancy in a Board (other than in the office of chairman) caused by the resignation of a member, the continuing members may act as if no vacancy existed.

27. The chairman may require any person (including a member) giving evidence before a Board to give his evidence on oath or affirmation, and for such purpose may administer an oath or take an affirmation.

For the purposes of compelling the attendance of persons to give evidence and the punishment of persons failing to attend when summoned or refusing to give evidence or produce documents or writings in their possession or power, the chairman shall have all the powers and authorities of a police magistrate sitting in a court of petty sessions.

28. The award of a Board shall be signed by the chairman and forwarded to the Registrar, who shall forthwith publish the same in the Gazette and notify the parties.

29. Subject only to appeal to the Court and to the provisions hereinbefore contained relating to the suspension of the operation of any award or part thereof, an award of a Board shall, from a date fixed by the Board (not being within 60 days of such award), within the locality for which the Board has jurisdiction, take effect and have the force of law, and shall not be in any manner liable to be challenged or disputed, and shall be binding on—

(a) All industrial associations connected with the calling to which the award applies ;

(b) All members of industrial associations bound by the award ;

(c) All employers and employees in the locality to which the award applies in the calling to which it applies ; and

(d) All persons who, whether as employers or employees, are engaged in that calling in that locality at any time while the award remains in force ;

and shall remain in force for a period of 12 months, and also thereafter until it has been amended by another award of the Board or the Board or Court has made a new award with respect to the same matters.

When the Order in Council appointing a Board is rescinded, such rescission shall not affect the operation of any award made by such Board and then in force, but such award shall remain in force until suspended, superseded, or otherwise dealt with under this Act.

30. (1) The following provisions shall be applicable in all cases where no Board is in existence in connection with any particular calling :—

The majority, respectively, of the employers and employees in such calling in any locality may enter into an industrial agreement with respect to all or any of the matters which would under this Act be within the jurisdiction of a Board if such Board had been created for such calling, and may transmit such agreement, duly verified by their respective representatives, to the Registrar, with a request that the same shall be sanctioned by the Court.

The Court shall make such inquiry into the matter of such agreement as it thinks proper, and may hear any objection thereto by any persons not parties thereto who are employers or employees in the calling and locality in question.

If the Court is satisfied that the agreement has been entered into by a majority of the said employers and employees, respectively, in such locality, and that such agreement is not contrary to this Act, the Court may sanction the agreement. Thereupon the agreement shall have the same effect as and shall be deemed to be an award of the Court for all the purposes of this Act.

(2) Every industrial agreement entered into pursuant to §48 of "The Wages Boards Act of 1908,"\* and subsisting at the date of the passing of this Act, shall be deemed to have been made and entered into pursuant to the last preceding Sub-section, and shall be construed and have effect accordingly.

#### PART IV.—BREACHES OF AWARDS AND OTHER OFFENCES.

31. Where any employer employs any person who does any work for him for which an award has fixed the lowest prices or rates, then such employer shall be liable to pay and shall pay in full in money, without any deduction whatever, to such person the price or rate so fixed ; but this provision shall not be construed to prohibit a deduction agreed upon between an employer and any of his employees by way of contribution to any hospital or benevolent or provident fund ; and such person, if within 30 days after such money became due he claims the amount thereof in writing and is not paid the same in full, may, within 60 days after the date of such claim, take proceedings in any court of competent jurisdiction to recover from the employer the full amount or any balance due in accordance with the award, any smaller payment or any express or implied agreement or contract to the contrary notwithstanding.

\* Text E.B. III., p. 168.

32. (1) Any industrial association or person which or who commits a breach or non-observance of an award, whether by contravening or failing to observe the same or otherwise, shall be liable to a penalty not exceeding in the case of an association five hundred pounds, in the case of an employer two hundred and fifty pounds, and in the case of an employee ten pounds.

(2) When any industrial association, or person is convicted of an offence under the last preceding Sub-section, the magistrate, if of opinion that the breach or non-observance was committed in wilful defiance of the award, may, on motion or without motion, and in addition to any penalty imposed, grant an order in the nature of an injunction to restrain such association or person from committing any further or other breach or non-observance of the award.

(3) If such person disobeys the said order, he shall, if an individual, be liable to imprisonment, with or without hard labour, for any period not exceeding three months; or, if a company or an industrial association, it shall be liable to a penalty not exceeding five hundred pounds.

33. (1) If an employer dismisses any employee from his employment by reason merely of the fact that the employee is a member of a Board, or has given evidence before a Board or the Court, or has made any application or appeal to the Court, or has endeavoured to secure the creation of a Board, or is not an officer or member of an industrial association, or is entitled to the benefit of an award or of an industrial agreement, he shall be liable to a penalty not exceeding fifty pounds.

(2) If any employee ceases work in the service of an employer by reason merely of the fact that the employer or any other employee is a member of a Board, or has made any application or appeal to the Court, or has endeavoured to secure the creation of a Board, or is or is not a member or officer of an industrial association, or is entitled to the benefit of an award or of an industrial agreement, he shall be liable to a penalty not exceeding ten pounds.

34. No person shall be refused employment or in any way discriminated against on account of membership or non-membership of any industrial association.

No person who is an employer or employee shall be discriminated against or injured or interfered with in any way whatsoever on account of membership or non-membership of any industrial association.

Any person who acts or incites any other person to act in contravention of this Section shall be liable to a penalty not exceeding fifty pounds, and any industrial association which acts or incites any person to act or is in any way a party to any person acting in contravention of this Section shall be liable to a penalty not exceeding five hundred pounds.

#### PART V.—LOCK-OUTS AND STRIKES.

35. (1) It is unlawful—

(a) To do any act or thing in the nature of a lock-out, or to take part in a lock-out, or to incite to or aid in any lock-out;

(b) To do any act or thing in the nature of a strike, or to take any part in a strike, or to incite to or aid in any strike;

in any of the undermentioned cases, namely—

(i.) In or in connection with anything which is a public utility, unless or until a compulsory conference called by the Judge under §10 of this Act (which conference the Judge shall call) has proved abortive, and thereafter unless or until after 14 days' notice in writing of the intention to lock-out or strike has been given to the Registrar, and after



the Registrar has in manner prescribed by rules of Court taken a secret ballot amongst the employers or employees, as the case requires, in the calling concerned, and such ballot has resulted in favour of such lock-out or strike ; or

(ii.) In any other case unless or until after 14 days' notice in writing of the intention to lock-out or strike has been given to the Registrar, and after the Registrar has in manner prescribed by rules of Court taken a secret ballot amongst the employers or employees, as the case requires, in the calling concerned, and such ballot has resulted in favour of such lock-out or strike ;

Provided that the Registrar shall in all cases where it is practicable take such ballot within such period of 14 days.

(2) In this Section the term " public utility " includes—

- (a) The manufacture or supply of coal gas for any purpose ;
- (b) The production or supply of electricity for light or power ;
- (c) The supply of water for domestic purposes ;
- (d) The supply of milk, flour, or bread for domestic consumption ;
- (e) The slaughter or supply of meat for domestic consumption ;
- (f) The getting, sale, or delivery of coal or other fuel for any purpose ;

(g) The protection of buildings and other structures from fires, and the prevention and extinguishment of fires.

36. (1) If in contravention of the last preceding Section any person or industrial association of employers does any act or thing in the nature of a lock-out, or incites to or aids in any lock-out, such person or association shall be liable to a penalty not exceeding one thousand pounds.

(2) If in contravention of the last preceding Section any person does any act or thing in the nature of a strike, or takes part in a strike, or incites to or aids in any strike, he shall be liable to a penalty not exceeding fifty pounds.

Where a person is under this Sub-section ordered to pay a penalty, the Court shall order that the amount of such penalty shall be a charge on any moneys which are then or which may thereafter be due to such person from his then or future employer, including the Crown, for wages or in respect of work done. But such charge shall not have effect so as to deprive such person of more than 20 per centum of any sum for wages or in respect of work done due to him from any employer in any one week.

Such order may be for the payment of such penalty in one sum or by such instalments as the Court may direct.

On the making of any such order, the employer, on being notified thereof, shall, from time to time, pay such moneys into the Court as they become payable in satisfaction of the charge imposed by the order.

No charge upon or assignment of his wages, or of moneys in respect of work done or to be done, whenever or however made by any such person shall have any force whatever to defeat or affect any such order ; and such order may be made and shall have effect as if no such charge or assignment existed.

(3) Where any person is under the last preceding Sub-section ordered to pay a penalty, and it appears that he was, at the time of his doing the acts complained of, a member of an industrial association, the Court may, in addition to making the charge provided for in the said Sub-section, order such association, or the trustees thereof, to pay out of the funds of the association any amount not exceeding twenty pounds of the penalty.

The Court shall, before making such order, hear the said association or trustees, and shall not make such order if it is proved that the association has

by means that are reasonable under the circumstances *bona fide* endeavoured to prevent its members from doing any act or thing in the nature of a strike, or from taking part in a strike, or from inciting to or aiding in a strike.

(4) If in contravention of the last preceding Section any industrial association of employees does any act or thing in the nature of a strike, or takes part in a strike, or incites to or aids in a strike, it shall be liable to a penalty not exceeding one thousand pounds, and, in addition, the Court may, with the consent of the other parties bound by any award or industrial agreement, cancel any award or agreement, whether made under the repealed Acts or this Act, so far as it relates to the members of such industrial association.

37. When a lock-out or strike takes place, and any officer of or a majority of the members of any industrial association takes part therein or incites thereto, the association shall be deemed to have done an act in the nature of a lock-out or strike, according to the nature of the case.

38. (1) Any industrial association of employers which, for the purpose of enforcing compliance with the demands of any employers, orders or incites its members to refuse to offer employment, or to continue to employ, shall be deemed to do an act in the nature of a lock-out, whether a lock-out actually takes place or not.

(2) Any industrial association of employees which, for the purpose of enforcing compliance with the demands of any employees, orders or incites its members to refuse to accept employment, or to continue to be employed, shall be deemed to do an act in the nature of a strike, whether a strike actually takes place or not.

39. (1) When any industrial association or person has been convicted of any of the offences constituted by this Part, the Court may, at the time of the conviction or subsequently, make an order in the nature of an injunction to restrain such association or person from continuing or repeating such offence or committing such offence, according to the nature of the case.

Such order may be made on notice or *ex parte*, upon the application of the Registrar or any member of the police force.

(2) If any person enjoined by any such order, after service thereof, disobeys the same, he shall, if an individual, be liable to imprisonment with or without hard labour for any period not exceeding six months, or, if a company or industrial association, it shall be liable to a penalty not exceeding one thousand pounds.

40. (1) When the Registrar certifies to the Court in writing that in contravention of this Part a lock-out or strike is taking place or is impending, the Court may, after a Judge has appointed a special day for the hearing of evidence respecting the matters so certified, issue summonses to all persons and industrial associations suspected of having committed any of the offences constituted by this Part (according to the nature of the case), directing them to attend at a time and place therein mentioned; and the Court may, without any complaint being made or any other summons being issued, deal with any such persons or associations shown to have been guilty of any such offences as if they had been specially charged with such offences.

(2) Such summonses may be served by registered letter or in any manner in which a summons in summary proceedings before justices may be served, or in manner prescribed by Rules of Court.

(3) Nothing in this Section shall be deemed to exclude any other manner of proceeding in respect of such offences or for the recovery of penalties.

41. Proceedings in respect of offences under this Part shall be taken and prosecuted in and be heard and determined by the Court in manner prescribed by Rules of Court.

#### PART VI.—MISCELLANEOUS.

42. Every award made after the passing of this Act, save as hereinafter provided, shall be deemed to contain provisions to the following effect, namely :—

(1) All work done by any employees on the following holidays, namely :— New Year's Day, Good Friday, Easter Monday the first Monday in May, the birthday of the Sovereign, Christmas Day, and Boxing Day, or on any day proclaimed to be kept in the place of any such holiday, shall be deemed overtime work, and shall be paid for at the rate of time-and-a-half.

Work done during ordinary working hours on any other day or holiday in the year shall not be deemed overtime work or be paid for at any increased rate :

Provided that where any award made before the passing of this Act contains a provision that work done on any holiday other than the holidays mentioned in this Sub-section shall be paid for at an increased rate, such provision with respect to such holiday may be continued in any future award of the Board, whether such award is an amendment of the existing award or in substitution therefor, until it is annulled by any subsequent award or amendment thereof.

Nothing in these provisions shall have reference to Sunday work.

(2) When any person on any one day is asked to perform two or more classes of work to which a differential rate fixed by an award is applicable, such person shall be paid in respect of the time occupied in work on that day at the highest rate fixed by the award in respect of the different classes of work.

43. When an award has fixed the lowest price or rate which may be paid to any person for wholly or partly preparing or manufacturing any particular articles of furniture, and also the periods of time within which the ordinary working hours shall be worked, it shall not be lawful for more than one member of a partnership to personally work inside a factory of the class to which the award relates at any time beyond such periods of time, unless such partnership has first obtained the written permission of the Registrar.

44. Notwithstanding anything in this Act or in any other law or any practice to the contrary—

(a) The Court or any Board, in the exercise of any jurisdiction, duty, power, or function conferred or imposed upon it, shall be governed in its procedure and in its awards and decisions by equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms or the practice of other Courts ; and

(b) The Court or any Board, in the exercise of any such jurisdiction, duty, power, or function, shall not be bound by any rules or practice as to evidence, but may inform its mind on any matter in such manner as it thinks just.

This Section does not apply to proceedings in respect of offences against this Act.

45. Every award shall prevail over any contract of service or apprenticeship in force on the coming into operation of the award, so far as there is any inconsistency between the award and the contract ; and the contract shall thereafter be construed and have effect as if it had been modified, so far as necessary, in order to conform to the award :



Provided that no such contract shall be deemed to be inconsistent with an award for the reason only that such contract provides for more favourable conditions of employment than those provided by the award.

46. The Crown may, where, in the opinion of the Minister, the public interests are or would be likely to be affected by the decision of the Court or the award of a Board, intervene in any proceedings before the Court or such Board, and make such representations as it thinks necessary in order to safeguard the public interests.

47. On the hearing or determination of any industrial matter or industrial dispute, whether before any Board or the Court, a party being an industrial association may be represented by a member or officer, and any other party may be represented by his agent duly appointed in writing in that behalf.

But no party shall be represented by counsel or solicitor or salaried officer of any industrial association or by any member of Parliament in any proceedings before the Court or before a Board.

48. (1) Every person who, or industrial association which, is directly or indirectly concerned in the commission of any offence against this Act, or incites, counsels, takes part in, or encourages the commission of any such offence, shall be deemed to have committed that offence and shall be punishable accordingly.

(2) Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence had been committed.

49. Any industrial association or person guilty of any contravention of this Act, whether by commission or omission, shall, except where some penalty or punishment is specifically provided, be liable to a penalty not exceeding in the case of an industrial association or company one hundred pounds, or in the case of a person ten pounds.

50. (1) Where a penalty is imposed under this Act on an industrial association, or an industrial association is under this Act ordered to pay any sum, then, for the recovery of such penalty or sum, process may be issued and executed against the property of such association, or any property in which such association has a beneficial interest, whether vested in trustees or howsoever otherwise held, in the same manner as if the association were an incorporated company and the absolute owner of the property or interest.

(2) For the purposes of this Section the property of an association shall be deemed to include the property of any association forming part of the first-mentioned association, or in which it has a beneficial interest, whether vested in trustees or howsoever otherwise held.

51. (1) Proceedings in respect of offences against this Act shall, except where otherwise provided, be by complaint, and be heard and determined in a summary manner by a police magistrate :

Provided that appeals by way of quashing order or special case from the decision of a police magistrate shall lie to the Court constituted under this Act and not to the Supreme Court.

(2) The proceedings on such appeal shall, unless and until otherwise prescribed by Rules of Court, be regulated, *mutatis mutandis*, by "The Justices Acts, 1886 to 1909" :

Provided that—

(i.) The Court on upholding a conviction may increase the term of imprisonment or the penalty, as the case may be, to such term or amount not exceeding that permitted by this Act, or may reduce such term or penalty as the Court deems proper ;

(ii.) The Court may make such order concerning costs as it deems proper.

52. There shall be kept printed, painted, or affixed in legible roman characters, in some conspicuous place at or near the entrance of every factory, workroom, shop, or premises to which an award applies, in such a position as to be easily read by the employees therein, a true copy of the award as to the lowest prices or rates of payment fixed by the award.

53. (1) A copy of the *Gazette* containing an Order purporting to be made by the Governor in Council under this Act shall be conclusive evidence of the making of such Order, and such Order shall not be liable to be challenged or disputed in any Court whatever.

(2) An office copy of or copy of the *Gazette* containing an award, order, decision or other act of the Court, purporting to be sealed with the seal of the Court, or an office copy of an award of a Board, certified to be true under the hand of the Registrar, or a copy of the *Gazette* containing the same, shall be received in all Courts and tribunals and before all persons as evidence of such award, order, decision, or other act without further proof; and it shall not be necessary to prove any condition precedent entitling the Court or Board to make the decision, order, or award.

(3) A certificate of the Registrar that any specified person was at any specified time qualified or elected to be or was the chairman or a member of any specified industrial association shall (subject to review by a Judge) be conclusive evidence that the facts were as stated.

54. When it is made to appear to a Judge or to the chairman of a Board that personal or other service of any summons, notice or other document in connection with or for the purposes of any proceeding in or intended to be brought in the Court or before the Board cannot promptly be effected in manner prescribed, the Judge or chairman may in his discretion make any order for substituted or other service or the substitution for service of notice by letter, telegram, public advertisement, or otherwise, which he deems necessary or convenient; and in such case compliance with such order shall be sufficient service.

55. (1) A Judge or a Board and (upon being authorised in writing by a Judge) any officer of the Court or any other person, or (upon being authorised in writing by the chairman) any member of a Board or any other person, without any other warrant than this Act, may at any time during working hours—

(a) Enter any place or premises or any ship or vessel of any kind whatsoever, wherein or in respect of which any calling is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place in relation to which any industrial dispute exists or is threatened or impending or will probably arise, or any industrial matter within the jurisdiction of the Court or such Board exists, or any award has been made, or any offence against this Act is suspected;

(b) Inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever, being in such place, premises, ship, or vessel;

(c) Interrogate any person or persons who may be in or upon such place, premises, ship or vessel in respect of or in relation to any matter or thing hereinbefore mentioned.

(2) Every person who hinders or obstructs a Judge, or a Board or any member thereof, or any officer of the Court or other person, in the exercise of any power conferred by this Section, or who refuses or unduly delays to a Judge, or a Board, or any officer of the Court, member of a Board, or other

person authorised as aforesaid, entrance during any such time as aforesaid to any such place, premises, ship, or vessel, or refuses to answer any question put to him as aforesaid, or gives or makes any information or statement which is to his knowledge false, shall be liable to a penalty not exceeding fifty pounds.

56. When under any award the amount of wages payable by an employer to an employee depends wholly or in part upon the age or experience or duration of previous employment of the employee, any person who, when seeking employment or while an employee, gives or makes to an employer any information or statement relating to any such matters which is false to the knowledge of such person or employee shall be liable to a penalty not exceeding twenty pounds.

57. (1) It shall be the duty of Inspectors of Factories and Shops to see that the provisions of awards and orders of the Court and of Boards are duly observed.

(2) In the discharge of such duty an Inspector may require any employer or employee to produce for examination any wages books or overtime books necessary for the purposes of this Act.

(3) Any such Inspector who, except for the purposes of this Act, and in the exercise of his functions under this Act, discloses to any person any information which, in the exercise of such functions, he acquires, shall be liable to a penalty not exceeding fifty pounds.

58. Nothing contained in this Act shall affect any right of action in respect of any actionable wrong which any person would have had against another if this Act had not been passed.

Nothing contained in this Act shall affect the provisions of "The Criminal Code."

59. (1) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

(2) The regulations may fix a penalty, not exceeding in any case ten pounds, for any breach thereof.

(3) All such regulations shall be published in the *Gazette*; and thereupon, subject to Sub-section 4 hereof, shall be of the same effect as if they were contained in this Act.

Such regulations shall be laid before both Houses of Parliament within 14 days after such publication, if Parliament is in session, and if not, then within 14 days after the commencement of the next session.

(4) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

60. (1) The Governor in Council may, by another Order in Council published in the *Gazette*, amend or rescind any Order in Council made under this Act.

(2) No misnomer or inaccurate description or omission in or from any Order in Council made under this Act shall in anywise prevent or abridge the operation of this Act with respect to the subject-matter, provided the same is designated so as to be understood.



(3) No Order in Council purporting to be made under this Act, and being within the powers conferred on the Governor in Council, shall be deemed invalid on account of any non-compliance with any of the matters required by this Act as preliminary to the same.

61. All moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament.

11. **An Act to amend the Inspection of Machinery and Scaffolding Act of 1908.\*** (No. 20, 1912.) Assented to 7th December, 1912.

12. **Regulations under the Industrial Peace Act of 1912.†** 20th March, 1913.

13. **Regulations under the Inspection of Machinery and Scaffolding Acts, 1908-1912.‡** 23th May, 1913.

14. **An Act to consolidate and amend the law relating to Friendly Societies.** (No. 13.) Assented to 29th October, 1913.

15. **An Act to amend §50 of the Factories and Shops Act of 1900\*\* in a certain particular.** (No. 13.) Assented to 23rd October, 1914.

1. This Act may be cited as the Factories and Shops Act Amendment Act of 1914.

2. In §50, paragraph 1, of the Factories and Shops Act of 1900, the words "hairdressers' shops" are deleted.

## II. Norway

1. *Lov om arbeidstvister.* 6. August 1915. Nr. 2. (Norsk Lovtidende 1915, Nr. 34, S. 597.)

**Act respecting industrial disputes.** 6th August, 1915.

### CHAPTER I.—INTRODUCTORY.

#### §1. *Definitions of terms used in the Act.*

In this Act :

(1) "Worker" shall mean any person who, in return for remuneration, performs work of any kind whatever for :

(a) a private employer ;

(b) the State or a commune, in so far as he works by the piece or subject to 14 days' notice or less, and in so far as he cannot be regarded as a public servant.

(2) "Employer" shall mean any person who employs one or more workers.

(3) "Trade union\*†" shall mean any association either of at least 25 workers, or of workers' organisations which together have at least 25 members, if the association has an elected executive and the object of protecting the workers' trade and economic interests over against their employers.

\* Title E.B. III., p. 177.

† See No. 10 on page 289.

‡ See No. 11 above.

\*\* Text E.B. IV., p. 205.

\*† A more literal translation would be "trade association," but it seems more convenient to use the usual English term for an organisation of workers. It should, however, be understood that where the word "association" occurs alone in the translation, it includes trade unions as well as employers' associations.—TRANSLATOR.

(4) "Employers' association" shall mean any association of employers or of employers' organisations, if they have an elected executive and the object of protecting the employers' interests over against their workers.

(5) "Strike" shall mean a total or partial cessation of work which the workers initiate corporately or by agreement amongst themselves, in order to force a settlement of a dispute between a trade union and an employer or an employers' association.

(6) "Lock-out" shall mean a total or partial cessation of work which an employer initiates in order to force a settlement of a dispute between himself or another employer and a trade union, or between an employers' association and a trade union, regardless of whether other workers are taken on in place of those locked out.

(7) "Notice" shall mean the workers' notice to give up their work or the employers' notice to his workers, in order to bring about a strike or lock-out.

(8) "Collective agreement" shall mean an agreement between a trade union and an employer or employers' association respecting terms of employment and wages or other conditions of work.

## §2. *Notice to be given by trade unions and employers' associations.*

(1) Every trade union and employers' association shall send a written notice to the Government Department designated by the King, within one month after this Act has come into force or after the association is founded.

(2) The notice shall be signed by two members of the executive and shall contain the following particulars :—

(a) the full name of the association ;

(b) the full names and positions of the members of the executive ;

(c) the place where the association has its headquarters and the address of the executive.

Appended to the notice there shall be :—

(d) a copy of the association's rules ;

(e) an extract from the minutes of the meeting of the association by which the executive was elected ;

(f) a statement of the number of members or of the branches of the association and the number of members in them.

The appendixes shall be confirmed by at least two members of the executive.

(3) If any changes occur in the particulars of which notice is given under (2) (a), (b) or (c), or in the rules, a notice, with the necessary appendixes in accordance with the rule contained under (2), shall be sent to the Department at latest one month after the change takes place.

Particulars of the number of members of the association and of its branches on the conclusion of each year shall be presented at latest by the end of the following February.

(4) Where several associations are united in a principal organisation, notice need only be given in respect of the latter. The principal organisation shall be bound, at the request of the department or of the State conciliator, to give the particulars named under (2) and (3) for each of its branches.

## §3. *Collective agreements.*

(1) Collective agreements shall be drawn up in writing and contain terms respecting the date of their expiry and the notice required to terminate them. At latest two weeks after the agreement is signed a certified copy shall be sent to the State conciliator.

(2) If nothing to the contrary is fixed as regards the term of validity of a collective agreement, it shall be held to be concluded for three years, reckoned from the day it was signed.

If notice to terminate a collective agreement is not given within the term fixed for giving notice, or if no term of notice is named in the agreement, at least three months before its term of validity expires, it shall be held to have been renewed for one year. Notice shall be given in writing.

(3) If a contract of work between a worker and an employer, both of whom are bound by a collective agreement, contains any terms which are contrary to the collective agreement, such terms shall be invalid.

(4) A member or a branch of an association shall not, by resigning or withdrawing, be released from obligations under collective agreements applying to the association at the time of withdrawal.

**§4. *Responsibility of associations for breaches of collective agreements by their members or for illegal cessations of work.***

If the members of a trade union or employers' association contravene a collective agreement or are guilty of an illegal cessation of work, the association shall be liable if it is itself responsible for the contravention or the continuation of conditions contrary to the terms of the collective agreement or for the illegal cessation of work.

**§5. *Compensation for contraventions of a collective agreement or for an illegal cessation of work.***

In fixing the compensation for contravention of a collective agreement or for an illegal cessation of work, the court shall take into account not only the extent of the damage but also the proved responsibility and any irregular conduct on the part of the person suffering the damage. In especially extenuating circumstances no compensation at all need be awarded.

**§6. *Illegal cessation of work.***

(1) No attempt shall be made to settle a dispute between a trade union and an employers' association respecting the validity, interpretation or existence of a collective agreement or respecting a demand based on a collective agreement, by means of a strike or lock-out.

(2) No attempt shall be made to settle a dispute between a trade union and an employer or an employers' association respecting the regulation of terms of employment or wages, or other conditions of work not covered by a collective agreement, until the time limit laid down in §§29 and 36 has expired. If the dispute is concerned with the conclusion of a collective agreement which is to terminate a previous collective agreement, the term of validity of the latter must, moreover, be elapsed.

(3) So long as a cessation of work is illegal the terms of employment and wages which were in force when the dispute broke out shall continue to be enforceable unless the parties come to some other agreement.

**CHAPTER II.—THE INDUSTRIAL COURT.**

**§7. *The seat and jurisdiction of the Industrial Court.***

An Industrial Court shall be established at the Capital of the Kingdom, for the purpose of dealing with the disputes contemplated under §6 (1).

No other tribunal shall have jurisdiction in these disputes. But the parties may resort to private arbitration.



§8. *Legal proceedings in connection with a collective agreement.*

If a collective agreement is concluded by a trade union or an employers' association, it shall be possible to enforce the rights or obligations of individual members under the agreement only by means of legal proceedings taken by or against the association on behalf of the person concerned.

If one party wishes to make a claim against separately named members of an association, these shall be summoned as well as the association.

§9. *Claims arising from industrial agreements.*

A claim arising from an industrial agreement may also be held to be a matter concerning a collective agreement, if the claim will be directly settled by the main award.

If the Industrial Court, in its award, lays down a certain interpretation of a collective agreement, the said interpretation shall apply likewise to any contract of work based upon the collective agreement.

§10. *Composition of the Industrial Court.*

(1) The Industrial Court shall consist of a president and four other members.

(2) The president of the Industrial Court, the other members and two substitutes for each of these, shall be appointed by the King for three years after nomination in the manner provided in §11.

(3) The members of the Industrial Court must be Norwegian subjects, have completed the thirtieth year of their age, be solvent, and not have forfeited the right to vote on public affairs and to be admitted to the public service, or have been convicted under §42 of the present Act. They must not be members of the executive of a trade union or employers' association, and they must not be in the permanent employment of any such association.

The president shall, in addition, possess the qualifications which are prescribed for judges of the Supreme Court.

§11. *Right of Nomination.*

(1) Employers' associations which include at least 100 employers, employing at least 10,000 workers, and trade unions numbering at least 10,000 workers, shall each have the right to nominate two persons as members of the Court, with their substitutes. Every such nomination shall, however, include twice this number of persons. The persons nominated must have declared their willingness to accept office.

(2) From amongst the persons thus nominated, two members with their substitutes shall be appointed from each side. If nominations are made at the same time by several associations of workers or employers, the number of members in the associations in question shall in the first place be given consideration in the choice of persons.

(3) If no nomination is received by the proper Government Department within a time limit fixed by the said Department, the appointments shall be made without nomination.

§12. *Appointment of a new member.*

If a member of the Court or a substitute dies or is exempted from his office or ceases to satisfy the requirements laid down in §10 (3), a new member or substitute shall be appointed for the remaining time.

In the case of a member or substitute who has been appointed after nomination in accordance with §11, the organisations concerned shall be given the opportunity of making a fresh nomination.

### §13. *Incompetence.*

(1) A member of the Industrial Court shall be incompetent to act in the same circumstances as a judge in ordinary civil cases. If there exist other special circumstances, which are liable to undermine confidence in a member's impartiality, he shall likewise give up his seat. A question of this kind can be raised either by himself or by the parties.

(2) The Court shall decide whether any member shall give up his seat as being incompetent to act.

### §14. *Substitute for a judge who is incompetent to act or prevented from acting.*

If the president is incompetent to act or is prevented from acting, the King shall appoint a deputy.

If any other member of the Court is incompetent to act or is prevented from acting, the president shall call upon one of the substitutes for this member in the order of appointment.

### §15. *Competence of the Court.*

The Court shall not be competent to act or to adopt resolutions unless all the members are present.

If a member of the Court when in session is prevented from being present for reasons which are likely to last longer than a week, a substitute shall be appointed under §14.

The members of the Court who have begun to act in a case, shall continue until it is concluded, even if their term of office expires while the case is being considered.

### §16. *Judges' oath.*

No person shall act as a member of the Industrial Court before he has taken an oath in writing, to the effect that he will fulfil his duties conscientiously.

The oath shall be sent in to the Government Department concerned. The King shall determine the text of the oath.

### §17. *Representation of the parties.*

The parties may appear in person or by authorised representatives. Not more than three persons shall appear for either side.

The representatives of the parties must be of age, be Norwegian subjects, and not have forfeited their right to vote on public matters and to be admitted to the public service.

The department concerned may, nevertheless, allow exemptions from the rule that the representatives of the parties must be Norwegian subjects.

The power of attorney must be unrestricted.

### §18. *Preliminary Procedure.*

(1) A case shall be brought before the Industrial Court by a written application which shall be transmitted to the president of the Court. A certified duplicate shall be enclosed.

The application shall contain :

(a) The full name and address of both parties,

(b) a statement of the case and the claim which the applicant wishes to raise,

(c) particulars of the evidence which the applicant proposes to produce, the manner in which he contemplates procuring it, and what he intends to establish by means of it,

(d) particulars of the evidence which the applicant wishes to procure from the opposite party or with the help of the Court,

(e) a proposal as regards the time and place for the hearing of the case.

If there is any defect in the application, the president shall draw the applicant's attention to the matter as soon as possible and explain how it should be corrected.

(2) A copy of the negotiations which have been carried on between the parties in the matter of the dispute, or else evidence of the fact that negotiations have been carried on or that an endeavour to do so has been made on the part of the applicant, shall be sent in with the application.

If evidence to this effect is wanting, the president shall draw the attention of the applicant to the fact and inform him that the Court cannot deal with the matter unless negotiations have been carried on or unless a fruitless endeavour to do so has been made by the applicant.

(3) If the application is in order, and the president considers it established that negotiations on the matter have been carried on by the parties or that a fruitless endeavour to do so has been made by the applicant, he shall send a copy of the application to the respondent without delay. At the same time he shall invite the respondent to present a written reply within a certain time and to set forth in the same his observations on the application, to specify the claim that will be raised on his side and to give statements of the evidence corresponding to those contemplated under (1) (c) and (d). A certified copy shall accompany the reply.

(4) As soon as the president has received the respondent's reply, or as soon as the time limit for the same has expired, he shall fix a time and place for the hearing of the case by the Court. The Court shall sit as soon as possible. The sitting may take place outside the Court's regular place of session.

(5) The president shall summon the remaining members of the Court. He shall likewise summon a substitute, if he anticipates the raising of an objection on the ground of incompetence, which he believes may be accepted by the Court.

(6) The president shall draw up the summonses to the parties and have them served with an interval before the hearing of not less than 48 hours, not including the time necessary for travelling. If the respondent has presented a reply, the president shall send a copy to the applicant.

(7) The president shall summon the witnesses, experts, and other persons whom he considers ought to be heard. The persons summoned shall have the right to one day's notice exclusive of the time necessary for travelling. The president shall, moreover, have the same powers as regards arranging for the calling of evidence as are given to the Court under §19.

#### §19. Procedure.

(1) The president shall conduct the proceedings.

(2) The case shall be dealt with and the evidence taken in the manner that the Court thinks proper. The principal proceedings shall be oral, unless both parties agree to written proceedings, and the Court sees no objections to this course.



(3) The Court shall see that the case is fully elucidated.

(4) The Court may call for declarations from the parties, experts and any other persons whose evidence may be of importance in the case. Any persons may refuse to reply to a question if the answer is liable to expose them or their husbands or wives, relatives or relations in marriage in direct ascending line, sisters or brothers or any other persons nearly related by marriage, to punishment or loss of civil standing. The same shall apply to questions which in any manner affect a person to whom the witness is betrothed, his foster parents or foster children, if the Court so decides. The rule applying as regards husbands and wives shall apply even if the marriage has been dissolved.

(5) The Court may require the production of documents, business books and other documentary evidence over which one party, or any person bound to give evidence in the case, has control. A party or witness may be enjoined to examine account books or other documentary evidence and to make notes on them and bring them with him.

(6) The Court may undertake inspections or inquiries either itself or through one or more of its members or appointed experts. In this connection implements may be required to be used, machines to be started, and methods of work demonstrated.

(7) The Court may require evidence to be taken by any of the general inferior Courts. The taking of evidence shall be effected as promptly as possible, if necessary by means of an extra Court. The judge shall, on his own initiative, make the necessary arrangements. The witnesses shall be given one day's notice. The parties shall only be summoned to attend if this is required in the application.

#### §20. *Absence of the parties.*

If one of the parties is absent and it is stated or probable that he has a valid reason, the case shall be postponed.

If it is not stated or probable that he has a valid reason for absence, and if the other party appears, the latter may demand that the case be proceeded with. In this event, the case shall be dealt with, as far as possible, as if the absent party were present.

If both parties are absent, and it is not stated or probable that either of them has a valid reason for absence, the case shall be suspended.

#### §21. *Duty of witnesses and the parties to attend.*

(1) It shall be the duty of every person having been summoned by the president of the Court, to attend as a witness before the Industrial Court, if he lives or is staying within such a distance from the place where the Court sits that it is not necessary for him to travel more than 600 km. by railway, or 300 km. by steamship, or 100 km. by any other means of conveyance, or a corresponding distance partly by one means and partly by another.

If it is of great importance that a witness should attend the president may, on his own initiative or on request of one of the parties, extend the limit of compulsory attendance.

(2) Any person who is present in the place where the Court sits or in the neighbourhood of the same, may be required by the Court to present himself to give evidence at once. The Court may require witnesses who are present to come back again later.

(3) Witnesses summoned by the president may claim remuneration from the Treasury according to the rules contained in the Law of Penal Procedure for witnesses in cases before the Lagmand Courts (lagmandsret). The Court

may allow the same remuneration to witnesses produced by the parties, if their evidence has been of value in the case.

(4) The same rules as for witnesses under (1) and (2) shall apply as regards the duty of the parties to attend in person after being specially ordered to do so.

#### §22. *Experts.*

It shall be incumbent upon any person who is required to give evidence in the case to serve as an expert on being so appointed by the Court or the president.

An appointed expert shall have the right to remuneration for his work in accordance with the rules contained in §81 of the Law of Penal Procedure, and the same claim to an allowance for board and lodging as experts in criminal cases.

The sums due shall be paid by the Treasury.

Experts who are not appointed as such may be allowed the same remuneration by the Court as occasion may require.

#### §23. *Publicity of the proceedings.*

The proceedings shall be in public unless the Court decides to exclude the public. The proceedings shall be *in camera* if they touch upon the secrets of a business or association or other matters of which outsiders ought not to have knowledge.

The parts of books produced which do not affect the case may be sealed by the Court.

It shall be the duty of any person who has been present at proceedings *in camera* to observe secrecy on the matters dealt with, unless the Court allows them to be made public.

#### §24. *Court Register.*

The time and place of the sittings of the Court, the names of the judges, the clerk to the Court, the parties and their representatives, the witnesses and experts, shall be recorded in the Court Register.

The documents presented shall be named and the course of the proceedings stated briefly. Claims and objections shall be entered in full or appended. All the decisions of the Court and agreements come to by the parties shall likewise be recorded.

The Court may resolve that the proceedings shall be taken down in shorthand.

#### §25. *Decisions of the Court.*

(1) The decisions of the Court shall be made by a majority of votes.

The award shall be pronounced as soon as possible after the proceedings are closed. If more than three days elapse before the award is pronounced, the reason for this shall be stated in the award.

(2) Clerical or arithmetical errors, omissions and other obvious mistakes may be corrected by the president on his own authority. He shall notify the parties of any correction, without delay, by registered letter.

If either of the parties is dissatisfied with the correction, he may demand that the matter shall be laid before the whole Court. A request to this effect must reach the president at latest one week after the notification of the correction was received. The president shall lay the matter before the Court without delay.

(3) If the award is incomplete or not clear, it may be corrected by the whole Court on request of one of the parties, after hearing the views of the other party. A request to this effect must reach the president at latest two weeks after the award was pronounced.

(4) The Court may reverse leading decisions and other resolutions in the absence of any acquired rights preventing this course.

#### §26. *Appeals and objections (anke og kjæremaal).*

(1) Appeal from decisions by which the Court refuses to deal or deals with a case may be made to the Supreme Court, and the appeal shall be brought before the Court on the expiration of the notice, regardless of the regular sessions. Appeal from decisions by which a case is dealt with may be made before the award is pronounced, but without suspensory effect.

The time limit for appealing shall be one month from the day on which the decision was pronounced.

(2) A person, not being a party, may object to a decision requiring him to make a declaration, oath, or asservation, to produce documents or demonstrate, submit or give access to other things or to serve as expert, or which renders him liable to a penalty or costs. The parties may object to a decision which renders them liable to a penalty or costs under §§41 and 43.

Notice of an objection must be given immediately if the person concerned is present in the Court, and otherwise at latest three days after he has been notified. If any person has appeared as respondent or can be regarded as respondent, he shall be notified of the objection. The objection shall have suspensory effect in respect of the person raising the same.

The president shall without delay, send the notice of objection with the necessary documents and extracts to the Objections Committee of the Supreme Court. The Court, the person raising the objection and other person affected thereby may present written observations on the matter. If facts are relied on which have not been mentioned previously the observations shall always be sent in through the Court.

(3) An award of the Industrial Court and decisions other than those named under (1) and (2) shall be final and may be enforced in accordance with the rules applying to judgments of the Supreme Court, but the award shall be overruled if the Supreme Court, after the award is pronounced, allow an appeal under (1) above, on the ground that the Court should not have dealt with the case.

### CHAPTER III.—CONCILIATION.

#### §27. *Conciliators and Boards of Conciliation.*

(1) The King shall appoint a permanent conciliator for the whole kingdom (State Conciliator) and a permanent official conciliator for every conciliation district (district conciliator).

The division of the kingdom into conciliation districts shall be determined by the King after procuring the opinions of the organisations contemplated in §11.

The permanent official conciliators must satisfy the conditions laid down in §10 (3), first paragraph. They shall be appointed for three years.

The State Conciliator shall be over the district conciliators. Further details respecting the relations between them shall be contained in instructions issued by the King.



(2) Boards of conciliation shall consist of a permanent official conciliator as president and two other conciliators, appointed by the president amongst the persons on the panels named under, (3) one from each panel.

(3) The Government Department concerned shall draw up for each conciliation district two panels of persons who are willing to act as conciliators. The panels shall be constituted for three years. Their size shall be determined by the Department.

Only Norwegian subjects who have completed the thirtieth year of their age, who are solvent and have not forfeited the right to vote on public affairs or to be admitted to the public service, nor been convicted under §42 of the present Act, shall be eligible as conciliators.

The organisations contemplated in §11 shall propose persons for these panels.

If no lawful proposals are received by the Department within a time limit fixed by it, the appointments shall be made without nomination.

*§28. Notice to be given to the official conciliators.*

(1) Where notice for work to cease is given in connection with a dispute of the kind named in §6 (2), the State Conciliator or the official conciliator for the district in which the undertaking or association which has given the notice is situated shall be notified immediately. The district conciliator shall advise the State conciliator of the notice without delay by telegram or registered letter.

If the parties agree, the notice may be sent to any other district conciliator.

(2) The notice shall be sent by telegram or registered letter and shall contain particulars concerning the subject of the dispute, the number of workers affected by the notice, and the date when the notice expires, and state whether negotiations between the parties have been opened and also whether they are still in progress or have been broken off.

If negotiations are in progress, the breaking off of the same at a later date shall be notified in the same manner by the person who sent the first notification.

The notification shall be sent in by the trade union, employer or employers' association which gave the notice to cease work. If the party concerned is affiliated to the Workers' National Trade Organisation, the Norwegian Employers' Federation or other organisations named in §11, the executives of these organisations shall notify the State Conciliator.

A duplicate of the notification shall be sent at the same time to the opposite party.

*§29. Rules respecting cessation of work.*

(1) A strike or lock-out shall not be initiated before the term of notice has expired, or in any case before four working days have elapsed from the time when the notice of the fact that negotiations have not been opened or that they have been broken off or that notice to cease work has been given has reached the official conciliator.

(2) As soon as the State Conciliator or a district conciliator has received notice that negotiations have not been opened, or that they have been broken off, or as soon as he becomes aware of the breach in any other manner, he shall forbid the cessation of work until conciliation proceedings have been closed in accordance with this chapter, if he considers that a cessation of work will cause injury to the public interests either in view of the nature of the undertaking or the extent of the dispute.

If notice for work to cease has been given, he shall, in the same circumstances forbid the cessation of work contemplated thereby.

The prohibition shall be announced in a telegram or registered letter to the trade union, employer, employers' association, or chief organisation which has or should have notified the proposed cessation of work, and the opposited party shall be notified of the prohibition at the same time.

In order to be valid, the prohibition must be sent in the course of two days after the official conciliator has received notice of the fact that negotiations have not been opened or that they have been broken off, or that notice has been given for work to cease.

### *§30. Incompetence and absence of official conciliators.*

The rules respecting incompetence contained in §13 shall apply also to the permanent official conciliators.

If the State Conciliator considers himself not to be competent to act, or if he is prevented from attending, or if he is taken up with conciliation in another case, he shall notify the fact without delay to the Government Department concerned. If the Department agrees that he ought not to deal with the dispute, the proceedings shall be transferred to a district conciliator, or to a person appointed for the case.

If a district conciliator finds himself in the circumstances named in the second paragraph, he shall notify the fact without delay to the State Conciliator. The latter may either undertake the treatment of the case himself or transfer it to another district conciliator or to a person appointed by the Government Department concerned for the case.

### *§31. Preliminary steps to conciliation.*

(1) If the State Conciliator or a district conciliator has forbidden a cessation of work in pursuance of §29, he shall proceed to conciliation without delay. Notwithstanding, the State Conciliator may transfer the conciliation to a district conciliator. He may also take over the conciliation himself in cases which come within the sphere of the district conciliators.

If several district conciliators have forbidden a cessation of work in connection with the same dispute, the State Conciliator shall decide which shall deal with the case, if the parties are not agreed on this matter.

The decision of a district conciliator as regards how far a cessation of work shall be prohibited or not, may be reversed by the State Conciliator.

(2) Even where a cessation of work is not forbidden, the State Conciliator or a district conciliator may proceed to conciliation in disputes either on their own initiative or at the request of one party.

(3) The case shall be dealt with by the board of conciliation if both parties so desire or consent to this course, at latest at the first conciliation conference.

If the State Conciliator is president of the board of conciliation, he shall appoint the other conciliators from the panels for any conciliation district.

If the district conciliator is the president of the board of conciliation, he shall appoint the two other conciliators. If all the members of a panel are in such a position as regards the dispute that the district conciliator sees objections to appointing any of them, he may appoint conciliators outside the panel, preferably amongst persons who are on the panel for another district. In this case the party concerned shall be given an opportunity of proposing conciliators.

(4) The official conciliator shall fix the time and place for dealing with the dispute. Conferences may also be held outside the conciliation district.

He shall summon the parties, and, where the circumstances so require, choose the conciliators in whatever manner he finds expedient.

The rules contained in §18 (6), in so far as may be necessary, shall apply to the calling of witnesses and other persons whose statements may be of importance, and as regards arrangements for procuring evidence in general.

### §32. *Conciliators' oath.*

No person shall serve as an official conciliator or member of a board of conciliation before he has sworn an oath as contemplated in §16.

### §33. *Competence of the boards of conciliation.*

A board of conciliation shall not be competent to act or to adopt resolutions unless all three conciliators are present.

If the official conciliator is absent, §30, second and third paragraphs, shall apply by analogy.

If another conciliator is absent, the official conciliator shall appoint a new member.

The official conciliator and other conciliators who have begun to deal with a case, shall carry it through even if their term of office expires during the case.

### §34. *Representation of the parties.*

The rules contained in §17 respecting the representation of the parties shall apply also in the case of conciliation proceedings before an official conciliator or board of conciliation. But practising advocates and lawyers shall not be employed as authorised representatives without the consent of the conciliating authority.

### §35. *Conciliation proceedings.*

(1) Where an official conciliator deals with a case alone, he shall collect promptly and carefully, in such manner and forms as he may himself choose, all the information necessary to an understanding of the dispute, and seek, to the best of his ability, to induce the parties to agree upon a reasonable settlement.

He may collect the information which is necessary to an understanding of the case and to judge of it, even if one or both parties remain aloof.

For the purpose of his inquiries, the official conciliator shall have the same authority as that contemplated in §19. But he shall not have the right to require witnesses and experts to take an oath. The rules contained in §§21 and 22 shall apply also to conciliation.

If a settlement is reached, a collective agreement in conformity with it shall be drawn up with the co-operation of the official conciliator and signed by the parties or their representatives.

(2) If the case is dealt with by a board of conciliation, the latter shall have the same duties and the same authority as the official conciliator under (1). The official conciliator shall conduct the proceedings.

(3) Conciliation conferences shall be held *in camera*. A record shall be kept in accordance with the rules contained in §24.

### §36. *Closing of conciliation proceedings.*

(1) When ten days have passed since the prohibition or, according to circumstances, the first prohibition to cease work was issued, either of the parties may demand that the conciliation proceedings shall be closed, if the party in question has not stood aloof or in any other manner failed to co-operate in the conciliation proceedings in accordance with his duty.



At latest four days after a lawful demand for the closing of the conciliation proceedings has been made, the proceedings shall be closed. If the conciliation authority has submitted to the parties a final proposal for the settlement of the dispute, the said proposal shall be entered in the record of the proceedings.

(2) If no settlement is reached, the State Conciliator, or the district conciliator who has conducted the conciliation proceedings, may publish a report on the case in whatever manner he considers expedient.

If a district conciliator has conducted the conciliation proceedings, he shall send a report on the case to the State Conciliator as soon as possible. The latter shall contain the final conciliation proposal, if one has been presented.

If the members of a board of conciliation are not agreed upon the contents of the report, the minority may present a separate report.

### *§37. Later acceptance of a conciliation proposal.*

If, after the proceedings are closed, either of the parties wishes to accept a proposal made by the conciliation authority for the settlement of a dispute, a declaration to this effect may be sent to the official conciliator who shall send a copy of the same to the other party. If the latter approves likewise of this proposal, the official conciliator shall arrange a meeting between the parties for the purpose of drawing up a collective agreement.

### *§38. Resumption of the proceedings.*

If the conciliation proceedings are closed, the parties may make a joint request for them to be resumed before the official conciliator or the board of conciliation, as they themselves desire.

If one month has passed since the conciliation proceedings were closed without the dispute being finally settled or submitted to fresh conciliation proceedings, the official conciliator who has dealt with the case shall call upon the parties to open fresh negotiations.

In addition, both the State Conciliator and the official conciliators may address an invitation of this kind to the parties at any time.

### *§39. Appeal.*

Appeal may be made against decisions of the kind contemplated in §26 (2) in accordance with the rules therein contained.

Other decisions of an official conciliator or of a board of conciliation shall be final and may be enforced in accordance with the rules applying to judgments of the Supreme Court.

## CHAPTER IV.—PENALTIES.

### *§40. Cessation of work.*

(1) Fines of from 5 to 25,000 kr. may be imposed upon :—

(a) Any person who initiates or continues a lock-out or takes part in a strike contrary to §6. A person who acts on behalf of an employer shall be punished unless the employer himself is convicted ;

(b) the members of the executive of a trade union or an employers' association who co-operate in a strike or lock-out contrary to §6, by participating in a resolution to initiate, continue, or approve a cessation of work or to support it by payments from the association's funds, or who order such a cessation of work, or collect or distribute contributions toward

its continuance. The same shall apply to the members of other authorities of an association and the officials of the same.

(2) The proceedings shall be taken by the public authorities at the instigation of a trade union, employer, or employers' association who is injured by the cessation of work, or of the Government Department concerned.

(3) The award may provide that, in the case named in (1) (b) the association concerned shall be liable for the fines. This shall, however, not apply if the guilty party has acted contrary to the rules of the association or resolutions which have been drawn up in its name.

(4) Fines contemplated in this Section may be imposed again if two weeks have elapsed since the sentence was pronounced and the convicted party has, within this period, committed an offence in relation to the unlawful cessation of work in the manner named under (1). The same shall apply when two weeks have elapsed since the second sentence was pronounced, and so on.

#### §41. *Offensive behaviour, etc.*

(1) Any person who during a session of the Industrial Court insults the Court, or any person who attends before it, or who disturbs the session, commits contempt of court, or fails to observe the orders of the Court or of the president, may be excluded and fines may be imposed upon him by a decision given in the course of the case.

Any person who writes anything unseemly or insulting in a judicial document, may likewise be fined by a decision given in the course of the case.

(2) The provisions under (1) shall apply likewise in respect of proceedings before the conciliation authorities.

(3) As regards any person punished under this Section, he may, notwithstanding, be prosecuted in the ordinary manner for the offence. But the fines shall be taken into consideration in fixing the penalty.

#### §42. *Breach of secrecy.*

Any person who breaks his pledge of secrecy under §23 (cf. §25) shall be punished by fine.

#### §43. *Failure to appear, etc.*

(1) If a witness, or any person who has been otherwise specially summoned to attend personally, fails to appear without a valid reason for absence, or who fails to give due notice of his being prevented or who leaves the Court without permission before the proceedings are closed, may be fined by a decision given in the course of the case, or be required to pay wholly or in part the costs which he has involved.

If after being summoned or called to the session again he fails to appear he may be fined, and made liable for costs again.

The same rule as in the case of absence without a valid reason shall apply as regards an expert who, without valid reasons, refuses to take over his office or neglects his duty, or to any person who must be excluded because he attends in an intoxicated condition.

(2) If any person refuses without valid reasons to make a declaration or to take an oath or to make an asseveration, he may be fined by a decision given in the course of the case and required to pay, wholly or in part, the costs which he has involved through his refusal. The said penalty and liability to pay costs shall not be imposed upon him more than twice in the same case.

(3) If any person fails to fulfil his obligation to produce a document or demonstrate, submit or give access to other things, or to inspect or to make

extracts from a document and so forth, he shall be regarded as having failed to make a declaration.

**§44. Responsibility for objections.**

The Objections Committee of the Supreme Court may impose fines and liability to pay costs for obviously baseless objections.

**CHAPTER V.—FINAL PROVISIONS.**

**§45. Costs of proceedings.**

(1) No charge shall be made for the consideration of a case by the Industrial Court or the conciliation authorities or for the taking of evidence for use in such a case.

But the Industrial Court may by a decision require one or both of the parties to reimburse the Treasury wholly or in part for the costs of the proceedings before the said Court.

(2) One party may procure the awarding of costs against the other party in cases before the Industrial Court, in accordance with the rules in general civil cases. On the other hand, each party in the absence of other arrangements shall bear his own costs in conciliation proceedings.

**§46. Salaries, etc.**

(1) Salaries and honoraria for the members of the Industrial Court, the State Conciliator, the official conciliators and members of boards of conciliation shall be paid by the Treasury. The office expenses, and cost of premises, and of clerical assistance during the sessions, shall likewise be paid by the Treasury.

(2) The president of the Industrial Court and the State Conciliator shall have fixed annual salaries.

The official conciliators shall have fixed annual salaries and an honorarium fixed by the Government Department concerned for each individual case.

The remaining members of the Industrial Court and of the boards of conciliation shall be paid an honorarium for each case by the Government Department concerned. The members of the Industrial Court may also be granted fixed salaries.

(3) When travelling, the members of the Industrial Court, the official conciliators and members of the boards of conciliation, shall have a claim to an allowance for board and lodging in accordance with the Act of 10th July, 1894. The allowance for board shall be that fixed for the first class in §17 of the Act.

(4) The King shall issue the necessary regulations respecting the exercise of the duties of clerk to the courts in connection with the Industrial Court and the boards of conciliation.

**§47. Commencement of the Act.**

This Act shall come into force on a date fixed by the King.

If the Act is not brought into force at the beginning of a calendar year, the periods fixed in §10 (2) and §27 (1) and (3) shall apply as from the beginning of the following calendar year.



2. *Lov om arbejderbeskyttelse i industrielle virksomheder.* 18 September 1915.

**Act respecting the protection of workers in industrial undertakings.** Dated 18th September, 1915.

## PART I.—APPLICATION OF THE ACT.

### §1. *Undertakings Subject to the Act.*

Unless otherwise expressly provided in the Sections here following, this Act shall apply to :

I. (a) Factories and works where handicrafts or other industrial occupations are carried on, provided that such works have the character of factories or that use is made in them of power other than human strength or of steam boilers. Notwithstanding, this Act shall not apply to works where a motor of not more than 1 h.p. is in use.

(b) Stone quarries, chalk-pits, and stone-hewing undertakings where at least five persons are regularly employed.

(c) Mines, ore-dressing works, smelting works and other undertakings for the getting or refining of minerals.

(d) Works where explosives are manufactured or used in manufacturing processes.

II. (a) Works where handicrafts or other industrial occupations are carried on, provided that at least five persons are regularly employed, and that such persons are employed by the occupier of the business in his workshop, or in some other workplace not being any workman's home.

(b) Ice-cutting works.

The King shall determine, after consultation with the Labour Council, whether and to what extent the following works shall be subject to this Act, namely :

(c) Operations where warehousemen and packers are employed or where workmen are employed on building sites, demolition works, goods steamers, etc., in so far as concerns such workmen.

(d) Works employing workmen in the building trades, water, gas and sewer workers, and bridge builders, and on the construction of roads, harbours, telegraph and telephone installations, and other enterprises of like nature.

Notwithstanding, enterprises of the aforesaid kind shall not be subject to the provisions of this Act if, on account of the short duration or limited nature of the operations, they cannot be brought under organised management.

### §2. *Meaning of "Worker" in the Act.*

In this Act the expression "worker" shall mean a person engaged by the employer or someone on his behalf to perform work which comes under the Act, including apprentices, but not directors, managers or other persons in authority, nor messengers or members of the office staff or foremen who substantially exercise supervision or are paid fixed monthly or yearly salaries.

In this Act, "young workers" shall mean workers between 14 and 18 years of age who are not required to attend school under the Elementary Education Act.

In this Act "children" shall mean persons who are under 14 years of age and those above that age who are still required to attend school under the Elementary Education Act.

§3. *Decision of the Question how far any Undertaking, etc., is subject to the Act.*

The question how far any undertaking and any work is subject to the Act in pursuance of §§1 and 2 shall, in the absence of any provision to the contrary, be decided by the Labour Council named in §56.

The King may order that steam-boilers shall be subject to inspection under this Act, even where they are not employed in any undertaking specified in §1.

§4. *Duty of Occupiers of Undertakings to give Notice.*

Every person being the occupier of an undertaking presumably subject to this Act shall notify the inspecting authority of the fact within eight days of the coming into force of the Act, or, in cases contemplated in §1, II. (c) and (d) of the issue of the King's Order, or of the starting of the undertaking; the said Notification shall contain the object and nature of the enterprise, the nature and extent of the mechanical power used, the number of persons of both sexes employed, classified according to the different age groups contemplated in the Act. The inspecting authority may at any time require information to be supplied respecting the number, sex, age and health of the workers, and the number, nature and size of the power machines used.

## PART II.—CONSTRUCTION OF WORKPLACES: CONDITIONS OF HEALTH: PREVENTION OF ACCIDENTS.

### §5. *Plans of Premises.*

Any person fitting up and managing industrial works of a kind contemplated in §1, I., or intending to introduce substantial alterations in any existing works, shall, after informing the inspecting authority of his intention and of the nature of the undertaking in contemplation, and after submitting the plan of the works or buildings contemplated and their inside arrangements, have the right to an advisory report from the inspecting authority, stating whether they have any comments to make on the carrying out of the plans in view of the provisions of this Act.

### §6. *Measures for the Prevention of Accidents.*

Workplaces shall be so constructed and maintained, persons tending machines so clothed, and the work in the undertaking so ordered in every respect and carried out in such a manner, that the workmen shall be protected as effectively and suitably as possible from danger to health, life and limb. The same rule shall apply in respect of both movable and immovable apparatus belonging to the undertaking and used in or near the workplaces, including cable tramways and railways, without regard being had to their length. Such railways must be managed in such a way as not to involve any danger to general traffic.

### §7. *Precautions against Danger in the Workplaces.*

Workplaces shall, as far as circumstances allow, be provided with accessible and suitably arranged stairways and exits for the workmen to use in case of fire or any other emergency. The number of stairways and exits must be in proportion to the number of workmen, consideration being paid to the position of the workrooms. The inspecting authority may, where it is deemed necessary, require special rescue apparatus to be provided.

The inspecting authority may, further, require one or more lightning conductors to be installed.

### §8. *Gangways in Machine Rooms.*

In rooms where there is machinery the gangways used for traffic shall be sufficiently high and broad, so that the workmen tending the machines or persons passing shall not be exposed to the danger of coming into contact with the moving parts of the machinery, provided that reasonable care is taken.

### §9. *Boilers and Pipes.*

Steam boilers and pipes under steam pressure shall be carefully constructed, fitted and maintained. Before they are brought into use the inspecting authority shall be notified. They shall be examined and inspected both before use and thereafter in the manner determined by the King. The King shall also issue whatever further regulations may be deemed necessary in pursuance of the provisions of this Section. It shall be the duty of the owner to assist in the said examinations to the best of his ability with such appliances as are at hand in the workplace. He shall pay the costs of the examinations, as fixed by Parliament; payment may be forced by distraint, if not made within one month of the date of the examination.

The Government Department having authority shall issue a guide to the use of steam boilers. The said guide shall be posted up wherever boilers are in use.

The inspecting authority may, where this is deemed to be necessary, require any person responsible for the management of a boiler to be in possession of a certificate to the effect that he possesses the necessary knowledge. The said certificate must be approved by the inspecting authority. Where any person responsible for the management of a boiler is guilty of gross neglect, or if it is proved that he has not the necessary knowledge, the inspecting authority may forbid his employment in charge of a steam boiler for a more or less long period. If such prohibition results in the person concerned leaving the works, no term of notice shall be necessary.

### §10. *Protection from Dangerous Machinery, etc.*

The following special provisions shall apply in respect of machines on the premises and the machinery for driving the same:—

(a) Machines, parts of machines, shafting, driving bands and other apparatus for transmitting power, which expose the workmen to danger during their employment or in passing, shall be carefully covered in or fenced.

(b) Water-wheels, turbines and other water motors of like nature shall be carefully fenced. In order to prevent accidents the water supply channels leading to such motors shall have one or more gratings.

(c) No power machine shall be started until a signal has been given to the workmen which can be clearly heard in the workrooms containing the machinery to be started.

(d) If there are no arrangements for breaking the connection between the machines in any workroom and the engine, it must be possible for a halt signal to be conveyed to the latter.

(e) If an engine drives several independent works, it must be possible to stop the main shaft in each such works, whether or not the engine continues to run.

### §11. *Fencing of Openings, etc.*

Hatchways and stairways and openings in the earth for mines, etc., open vats or large vessels, ponds, channels for conveying water or ice, shall be



covered or provided with railings as far as it is deemed to be necessary for the safety of the workmen and the nature and character of the works allow.

#### §12. *Lighting of Workrooms.*

Workrooms shall be suitably lit by daylight or artificial light, so that the workmen shall, especially, be able to see clearly all movable parts of machines exposing them to danger whilst in motion.

In workrooms where explosive or highly inflammable gases, fumes or dust are prevalent or liable to be generated, the artificial lighting shall be arranged in such a manner as to ensure the necessary security. The workrooms shall also be sufficiently warmed, where this is possible, in view of the conditions of work and the nature of the undertaking.

#### §13. *Ventilation, etc.*

There shall not be employed in any workroom a larger number of persons than is proportionate to the size of the room, allowing for the space occupied by machines, implements, materials, etc. Suitable provision shall be made for adequate ventilation, if necessary, by means of mechanical arrangements so that the air shall be kept free as far as possible from injurious dust, unhealthy gases and fumes, unpleasant odours or excessive heat, and that the ventilation shall be adequate in proportion to the number of persons employed. Provision shall likewise be made by means of ventilation, and, if necessary, also by isolation, to prevent poisonous gases, smoke and dust, great heat, steam and smells liable to arise in particular workrooms or certain parts of the works from penetrating to other workrooms.

#### §14. *Workrooms with Poisonous Materials.*

No persons other than the workmen there employed shall be admitted to any workroom where poisonous materials are prepared or used.

An order to this effect shall always be posted up.

#### §15. *Cleaning, Whitewashing and Painting.*

The premises shall be cleaned frequently. That part of the floor in workrooms which is near machines or hollows containing part of the shafting shall be kept in such a cleanly state that it shall not become slippery with oil or grease. When this appears to be necessary, walls and ceilings shall be suitably whitewashed; if they are painted they shall be kept clean by washing. Cleaning processes shall be carried out at such a time and in such a manner as may be desirable in the interests of the health and safety of the persons employed.

#### §16. *Meal-rooms, etc.*

In the works specified in §1, I., the workmen must be given facilities for warming their meals in or near the workplaces, and, where desirable in view of the weather, for taking their meals in a warm, clean and ventilated room.

#### §17. *Measures for Enforcing §§6-16.*

The inspecting authority shall determine in each individual case what is required of employers and workmen in respect of the observance of the rules contained in §§6-16. Should it appear expedient to issue for this purpose general regulations respecting the conduct of workmen, to be posted up in the works concerned, the inspecting authority (or in case of mines, the mining officer concerned) shall issue such regulations and any later amendments of the

same after giving the employer an opportunity of expressing his opinions thereon. The said general regulations shall require ratification by the Labour Council. Where the nature and character of the undertaking, or the existing circumstances are such that the rules contained in §§6-16 cannot reasonably be forced in their entirety, the inspecting authority may allow the necessary exceptions for a short period, not exceeding three months. No exception shall be granted for a longer period without the sanction of the Labour Council.

#### §18. *More Stringent Measures for Special Circumstances.*

The King shall draw up, after consultation with the Labour Council, a list of certain classes of undertakings or particular undertakings or particular branches of work in one or more undertakings, which are found to involve special dangers to the life or limb of the workers, or to be specially injurious to health, or exhausting. For such works the King shall lay down more stringent provisions on the following matters or some of them :

(a) Special precautionary measures shall be adopted ;

(b) Shorter shifts than usual or a fixed working day of not more than eight hours shall be prescribed ;

(c) Workmen employed in such specially exhausting or dangerous work shall be employed at certain specified hours in other occupations of a lighter and less dangerous nature ;

(d) The employment of children and young persons shall be restricted to a greater extent than is otherwise prescribed in the Act, or prohibited entirely ;

(e) In certain occupations a similar prohibition shall apply to pregnant women ;

(f) Workmen shall not be permitted to take their meals in the workrooms or remain there during breaks in work, and special places sufficiently separated from the workrooms shall be provided for this purpose.

If any of these regulations are to include occupations in which the workers or employers belong to a national trade organisation, they shall be given an opportunity of expressing their views. The Labour Council shall be consulted in any case.

#### §19. *Work Below Ground.*

In mines, etc., no children or young persons under the age of 16 years, or women, shall be employed in work below ground, and young workers above the age of 16 years may be employed below ground only in light work permitted in pursuance of the general regulations drawn up by the Labour Council on the proposition of the mining officers.

#### §20. *Cleaning, etc., of Shafting, etc.*

No women or children shall be employed in cleaning, oiling or looking after any shafting or machinery in motion, nor in putting driving belts, ropes, etc., on fly-wheels in motion, except in cases where there is absolutely no danger involved.

#### §21. *Tending of Steam Boilers, etc.*

No children or young workers shall be employed in charge of steam boilers or machinery, the tending of which requires special care.

### §22. *Notification of Industrial Accidents, etc.*

Where any workman employed in an undertaking subject to this Act sustains injury in the course of his work which is likely to render him unfit for work for at least three days, or causes death, the owner or manager of the undertaking shall, if the undertaking is not subject to the legislation respecting the accident insurance of workmen in industry, etc., give notice in writing to the inspecting authority as promptly as possible and within three days at latest stating the cause and the extent of the accident. On receiving notice of an accident in this manner or in the manner prescribed in §17 of the Accident Insurance Act, the inspecting authority shall, if the circumstances of the case so require, make a further investigation into the cause of the accident and its results.

## PART III.—HOURS OF WORK AND THE EMPLOYMENT OF CHILDREN, YOUNG WORKERS AND WOMEN.

### §23. *Ordinary Period of Employment.*

(1) The ordinary period of employment of a worker shall not exceed 10 hours a day, or 54 hours a week. Notwithstanding, the ordinary weekly period of employment shall not exceed 48 hours for workers in :

- (a) mines, in so far as the work is performed below ground, and smelting works ;
- (b) book and newspaper printing works.

In the case of workers in mines and smelting works who have a regular holiday on Saturdays, a worker's ordinary period of employment may be extended to 10 hours a day, but shall not exceed 48 hours a week.

(2) In undertakings which are dependent to an essential degree upon the seasons, the climate or other natural circumstances, the ordinary period of employment may, with the King's consent, be so arranged as to be longer in the summer than in the winter half-year.

Where regulations on this matter are to cover occupations in which the workers or the employers belong to a national trade organisation they shall be given an opportunity of expressing their views. The Labour Council shall be consulted in any case.

(3) The ordinary period of employment shall lie between 6 o'clock in the morning and 9 o'clock in the evening. In places where the true time is at least one hour before normal time, the beginning of the ordinary period of employment may, however, be advanced up to one hour.

In undertakings or parts of undertakings where two day shifts are introduced of not more than 8 hours each, the ordinary period of employment may be between 6 o'clock in the morning and 12 o'clock midnight.

(4) In the case of undertakings which have now a longer period of employment than that fixed under (1) the King may provide that the period of employment shall be reduced gradually, so as to be brought down to the ordinary period of employment by the end of 1920.

(5) The ordinary weekly period of employment of a worker shall be so distributed that he has every week a holiday of at least 24 consecutive hours.

### §24. *Night Work.*

(1) Work performed between 9 o'clock in the evening and 6 o'clock in the morning shall be held to be night-work, excepting the work named in §23 (3), second paragraph, in so far as concerns workers over 16 years of age. Work shall not be carried on at night, except :



(a) as overtime work in pursuance of the provisions of §27 ;  
 (b) watching and the necessary stoking and heating operations, and in milk condensing factories, as regards the necessary reception, handling and transmission of milk, in so far as concerns workers over 18 years of age ;

(c) in the case of workers over 16 years of age, in dairies and cheese-making undertakings, in so far as is necessary for the reception, handling and transmission of milk ;

(d) as far as concerns workers over 18 years of age in undertakings or parts of undertakings, the working of which cannot from their nature or conditions be interrupted.

The inspecting authority shall decide how far an undertaking is of this description. The decision of the inspecting authority shall be submitted to the Labour Council, if the undertaking concerned or any person employed in it so desires ;

(e) in connection with exemptions.

(2) Exemptions as contemplated under (1) (e) may be allowed in the following cases :

(a) The King or the Government Department appointed by him may allow undertakings or parts of undertakings, where night-work appears necessary for special economic reasons and may be regarded as customary in the branches of industry concerned, to carry on work between 9 o'clock in the evening and 6 o'clock in the morning. In so far as young workers over 16 years of age are employed in this period, their hours of work shall not exceed 8 in the 24 hours. Before a decision is reached, the Labour Council shall be consulted.

(b) Permission similar to that contemplated in the preceding paragraph may be given by the inspecting authority, subject to more detailed conditions, to undertakings in which there is a press of work at certain regularly recurring seasons of the year, or in which unforeseen circumstances cause a press of work, or in which night-work is necessary at times in order to avoid damage to raw materials or the finished product. In so far as young workers over 16 years of age are employed, their hours of work shall not exceed the limit fixed in §23 (1). Finally, the inspecting authority may give similar permission if natural circumstances, accidents, or other unexpected occurrences have interrupted the regular course of any particular works or rendered the work liable to be interrupted.

The permission contemplated under (1) and (3) shall not be given for a longer period than six weeks at a time. Permission need not be applied for in respect of the first four days.

(c) In mines the King may permit young workers who have procured a medical certificate to be employed in the summer beyond the times named in §23 in so-called hand-washing operations (haandvaskningsarbeide), if the work is carried on by daylight and is, in the opinion of the inspecting authority, not likely to cause injury to the health or physical development of the persons concerned.

## §25. *Exceptions to the Regulations respecting the Ordinary Period of Employment.*

(1) Work which, in view of natural occurrences, accidents or other occurrences which could not be foreseen, must be carried out in order to avert danger or injury to life or property, may be performed at any time of the day

and night regardless of the provisions of §23 (3). During the first four days the limitations contained in §23 (1) and (5) [Cf. §18] shall not apply to the daily period of employment.

(2) Where natural occurrences, bad weather or accidents which could not be foreseen, or which the particular undertaking was powerless to avert, have caused a reduction of the ordinary period of employment, the reduction may be made good by increasing the ordinary period of employment fixed by §23 by not more than 2 hours a day. The inspecting authority shall determine the number of weeks during which the work required may be performed.

#### §26. *Overtime.*

(1) Where, in the case of any workers, the work extends beyond the time fixed for their ordinary period of employment under §23 (1) and (2), and §18 [Cf. §25], the work performed in the extended period shall be regarded as overtime work. For this purpose it shall make no difference whether the work is carried on by day or night (§24).

(2) In so far as a worker proves, by means of a medical certificate, that his health will suffer by longer hours of work than his ordinary hours, the employer shall not require him to work overtime.

#### §27. *Maximum Period of Employment (Overtime).*

(1) In the case of workers over 18 years of age overtime may be worked up to 10 hours a week.

The inspecting authority may, for a particular occasion or for a period not exceeding six months at a time, give permission for overtime to be worked by particular workers up to 15 hours a week in undertakings where the amount of work is regularly larger at certain seasons of the year than at others, where an extension of overtime is necessary to prevent damage to raw materials or products, or if it seems that the due execution of orders accepted is bound to involve an unforeseen and unusual press of work. The same shall apply to repairing work where extended overtime appears to be necessary to maintain the regular course of an undertaking or to resume it within a reasonable time.

(2) Overtime shall not in any case exceed 30 hours for any worker in four consecutive weeks, except for workers who are regularly employed in stoking or heating operations before the ordinary period of employment begins.

(3) In the case of undertakings which, in view of the nature of the product or for other reasons, need a longer period of employment at certain seasons of the year, the Government Department concerned may, after consulting the inspecting authority, lay down rules for overtime other than those contained under (1) and (2) above. The total number of hours of overtime in the calendar year shall not, however, exceed that fixed under (2) above.

#### §28. *Payment for Overtime.*

Overtime work shall be remunerated by an agreed addition to the wages paid to the workers for corresponding work in their ordinary period of employment. Work which must be performed outside the actual work of the undertaking, such as stoking and the heating of workrooms and so forth, shall not be paid for as overtime without a special agreement to that effect.

The preceding provisions shall not apply to workers with fixed monthly or yearly salaries, nor to piece-workers in the absence of any special agreement.

### §29. *Wages Registers.*

The King may provide that wages registers shall be kept in such a manner that the overtime work can be checked. They shall be accessible to the inspecting authority.

### §30. *Work on Sundays and Holidays.*

(1) No workers shall be employed from 6 o'clock in the afternoon before a Sunday or holiday until 10 o'clock in the evening of the next day, if two or more holidays follow each other, on the last holiday.

(2) Notwithstanding, the provisions contained under (1) shall not apply to workers over 16 years of age, who carry out :

(a) work which is necessary to prevent injury to premises, machines or products ;

(b) work on repairs to whatever extent is necessary to the regular work of the undertaking itself or some other undertaking, in the remaining part of the week, but only in so far as it cannot be performed outside the time named under (1) without interrupting the ordinary course of work ; further, cleaning work, which must be undertaken in the period named under (1) either out of consideration for the regular course of the undertaking in the remaining part of the week, or by the orders of the inspecting authority in pursuance of §§15 and 17 ;

(c) work in dairies and cheesemaking undertakings in so far as is necessary for the reception, handling and transmission of milk ;

(d) watching and the necessary stoking and heating operations

(e) work in undertakings or parts of undertakings the working of which cannot from their nature or conditions be interrupted.

The question whether any work comes under these exceptions shall be settled in pursuance of the rules contained in §24 (1) (d) above.

(3) With the consent of the Government Department concerned, Sunday work may be allowed for workers over 16 years of age for the purpose of performing work which, out of consideration for the public or general interests, must be carried on in the period named under (1) above, or is specially required for other considerations.

The said permits shall not apply to the period between 3 o'clock in the afternoon of Christmas Day until 10 o'clock in the evening of the second Christmas holiday, from 6 o'clock in the afternoon of Wednesday in Easter week until 10 o'clock in the evening on Good Friday, and from 6 o'clock in the evening before Easter Day and Whit Sunday until 10 o'clock in the evening on the second day of the Easter and Whitsun holidays, unless they expressly exclude these periods.

(4) In milk condensing factories exceptions may be allowed to the rule laid down under (1) above by the inspecting authority for workers over 16 years of age, in so far as is necessary for the reception, handling and transmission of milk.

(5) With the consent of the inspecting authority given on each occasion work may be performed on Sunday by workers over 18 years of age for the purposes of repairing and doing up the business premises, if such work would involve disproportionate inconvenience or expense at other times. Where in such circumstances it seems especially necessary the inspecting authority may allow such work to be carried on at any time of the day and night regardless of the provisions of §24 or permit overtime to extend over a longer period for each worker than is allowed under §27 (1).



(6) Workers who have worked on Sundays in the manner contemplated under (2) (b), (c) and (d), (3) and (4), shall have a whole holiday on the following Sunday in accordance with the rule laid down under (1).

Notwithstanding, the Government Department concerned may, on the recommendation of the inspecting authority, allow exemptions in this matter if this seems to be especially necessary for practical reasons.

(7) In the case of workers who work on Sunday under the provisions of (2) (e) there shall be a weekly alternation of shifts on a plan approved by the Government Department concerned.

### *§31. Exceptions to the Provisions respecting Hours of Work.*

In paper, cellulose and wood pulp factories where night-work takes place under §24, the provisions of §23 shall not apply. The King may, after consultation with the Labour Council, provide that the same shall apply for other trades where night-work takes place under §24.

In so far as the undertakings named in the preceding paragraph adopt a system of shifts fixed by the King, with three shifts in 24 hours, they may make use of a weekly period of employment from 10 o'clock on Sunday evening until 6 o'clock in the morning of the following Sunday.

The provisions of §§23-30 shall not apply to workers over 18 years of age employed in :

- (a) the undertakings named in §1, II. (c) ;
- (b) handicrafts which do not come under §1, I.

### *§32. Meal-times and Breaks for Rest.*

Where the work lasts longer than 8 hours, the workers shall have a break of at least one hour for rest at midday.

During the breaks for rest work shall not be permitted and the workers shall only be allowed to remain in the workrooms either if the parts of the undertaking in which they are employed stop work entirely, or the inspecting authority gives a permit to that effect.

The provisions as regards breaks for rest may, with the permission of the Government Department concerned, be modified in accordance with the needs of the undertaking. In such cases, the workers shall be given the legally prescribed breaks for rest as far as possible in shifts or some other manner.

### *§33. Employment of Women before and after Confinement.*

No woman shall be permitted to work in the first six weeks after her confinement. Women shall not be refused exemption from work in the last four weeks before the time when in accordance with the certificate of a medical man or midwife they expect their confinement. On the conclusion of the aforesaid six weeks the woman concerned shall have the right to return to the work, in so far as she shall have presented a request to that effect before she left work in pursuance of the preceding provisions.

Relief given from public funds in necessitous cases caused as a result of the provisions of the first paragraph shall not be regarded as poor relief. Such relief shall be paid by the commune of settlement concerned, subject to the right of recovery from the parents of the child.

Women who are employed in undertakings which come under this Act shall not be refused opportunities for nursing their children themselves.

### §34. *Employment of Children.*

No child shall be employed in work which comes under this Act ; notwithstanding, children over 12 years of age may, after consultation with the school managers, be employed with the permission of the inspecting authority for not more than five hours a day on such light work as will not injure their health or hinder their physical development, if it is shown by a medical certificate that their state of health does not render them unsuited for the work for which they are intended. The medical certificate shall be issued if possible by the medical member of the local inspecting authority, who shall be paid, at the employer's expense, Kr. 0.50 for the examination and the issue of the certificate.

Children who are not yet exempt from attendance at an elementary school shall not be employed on work which comes under this Act in the time devoted to instruction or in the course of the two hours which precede the same, nor in any case to such an extent that their total hours of school attendance and work exceed seven hours a day.

No child shall be employed before 6 o'clock in the morning or after 8 o'clock in the evening.

### §35. *The Employment of School-Children, Birth Certificates, etc., for Children and Young Workers.*

No employer shall engage any child or young person before he has satisfied himself, by the production of a certificate of birth or by the written testimony of some public functionary, of the age of the worker concerned.

In every workplace, the employer shall keep a register of the children and young persons employed there, which shall contain particulars of their names, ages and residence, the dates when they enter and leave the employment, the name and status of their parents or guardians, and where necessary, their hours of school attendance. The register, together with the certificates contemplated in §34 and in the first paragraph of this Section, shall be checked by the inspecting authority, by whom a copy of the register shall always be kept.

The manner in which the register shall be kept shall be prescribed by the Government Department concerned, who may incidentally require that further particulars, in addition to those named above, shall be entered therein.

For every school-child employed by them, employers shall be in possession of the certificate from the teacher concerned contemplated in §16 of the Act respecting elementary schools in the country, dated 15th August, 1908, and §18 of the Act respecting elementary schools in towns, of the same date.

Where the school managers find it necessary, in order that a school-child may acquire the necessary standard of knowledge, that his hours of work should be reduced below the limit prescribed in the present Act, they may issue the necessary orders to this effect.

The hours of work of children and young persons who attend technical evening schools and such-like, shall be so arranged as not to prevent them from participating in the said instruction.

## PART IV.—PROVISIONS REGULATING CONDITIONS OF WORK IN OTHER RESPECTS.

### §36. *Decency in Workplaces.*

It shall be incumbent upon both employers and workers to see that decency and good morals are maintained in the workplaces.

### §37. *Settlement and Terms of Pay.*

The amount of wages payable shall be agreed upon between the employer and the workers and the wages so found to be due shall be paid at least once a week in current coin in or near the workplace. Wages shall be paid during the period of employment, or as promptly as possible thereafter. In the case of piece-work, the definite settlement may be postponed until the work is finished, but the workman shall be paid every week an advance corresponding to the amount of work done.

Notwithstanding, by special agreement between employers and workers other terms for settlement may be fixed.

No deductions for special purposes shall be made from the wages of workmen except with their consent contained in a written agreement or in pursuance of legal enactments or regulations.

The employer shall inform the workmen of the conditions of payment in each particular case (daily wages or piece-work prices).

### §38. *Terms of Notice.*

The following provisions shall apply in the undertakings designated in §1, I. :—

The terms of notice between employers and permanent workers shall be 14 days, unless anything to the contrary is agreed upon in writing or contained in the rules of employment.

The terms of notice shall in any case, be the same for both parties.

Permanent workmen shall be workmen either expressly engaged as such or who have been employed in the regular work of the undertaking for the space of at least two weeks.

Where accidents, natural occurrences, or other occurrences for which it is impossible to make an allowance (not including the bankruptcy or death of the employer) necessitate an interruption of the work of the undertaking on part of the same, it shall not be necessary to give notice to the workmen employed in the interrupted process. Where a workman is engaged to perform a particular job of a temporary nature, it shall likewise not be necessary to give notice when the work is completed, provided that the parties have mutually agreed to this arrangement.

### §39. *Contracts of Work.*

Where a contract is in writing, the same shall be given to the workman for perusal at least 24 hours before he signs it; the contract shall contain a note to the effect that this has been done. The contract shall be signed by both parties and a copy supplied to each.

It shall not be lawful for an employer to withdraw on his part alone from a contract before the term of notice has elapsed, unless the workman has been guilty of a serious breach of the regulations or, in general, of any other serious offence. It shall not be lawful for a workman to withdraw from a contract unless the employer fails to fulfil his obligations towards him, or treats him in a manner contrary to the law or contract or allows him to be so treated by other persons.

Where a written contract between an employer and workman has not been given to the workman for 24 hours for perusal, the provisions respecting the settlement and payment of wages and terms of notice contained in the Act shall apply. Where a contract provides for different terms of notice for the two parties, it shall be void in this respect, and the rule respecting 14 days' notice shall apply.



#### §40. *Rules of Employment.*

In undertakings where more than 10 persons are employed or where, regardless of the number of workmen, it seems expedient to the inspecting authority to issue orders to this effect, the employer shall draw up a set of regulations containing complete rules of employment, rules for the orderly management of the undertaking, the terms of engagement and dismissal, and rules respecting the payment of wages.

Where fines are to be imposed, special provisions respecting the same shall be included in the regulations. In no particular case shall the amount of fines imposed exceed one half-day's wages, except in the case of gross offences liable to endanger the life, limb or health of others, or to cause a serious destruction of or injury to property; examples of such exceptional cases shall be given in the regulations.

The proceeds of fines shall be devoted to a sick fund designated by the Government Department concerned.

Deductions from wages for bad work or the spoiling of materials shall not be regarded as fines.

#### §41. *Opinions of the Workers on the Rules of Employment, etc.*

In drawing up the regulations, the employer shall give the workmen an opportunity of expressing their views on the provisions of the same.

To this end, a copy of the draft regulations drawn up by the employer shall be placed for inspection in a place which is convenient for the workmen within the curtilage of the undertaking. The workmen shall appoint at least five representatives to give, on their behalf, an expression of opinion on the draft. The said representatives, who must have completed the 21st year of their age, shall be elected by all the workmen over 18 years of age in the undertaking.

The workmen or their representatives shall be allowed for the purpose of considering the matter, a period of at least 14 days, reckoned from the date when the regulations are issued. The opinions of the workmen or their representatives on the draft shall be appended thereto when it is submitted for ratification (§42).

If the workmen renounce the right of appointing representatives or of expressing their opinions, they shall give the employer written notice of the fact without delay. In such cases the employer may submit the draft for ratification, together with the workers' notice, before the term of 14 days has elapsed. If the workmen fail to notify the employer of the fact that they have renounced the right of taking part in the drawing up of the regulations, or if the workmen's elected representatives fail to express their opinions within the appointed term, the employer shall, in submitting the draft for ratification (§42), append thereto a written certificate stating that the draft has been placed open to inspection for 14 days.

#### §42. *Time Limits for Sending in Rules of Employment.*

All rules of employment in force when the present Act comes into force shall be sent in by the inspecting authority within four weeks from that date to the Labour Council, in order that the question of how far they are in conformity with the provisions of the Act may be examined. If it is found that they are not in conformity with the Act they shall be dealt with, as far as may be necessary, in the manner prescribed in §41, and a draft of the necessary amendments to the regulations shall be sent in to the inspecting authority

within four weeks from the day when the decision of the Labour Council was made known to the undertaking.

Occupiers of undertakings which are included under the present Act, but which were not formerly subject to the inspection of factories, and the occupiers of new undertakings which come under the Act, shall, in so far as they employ more than 10 workers, send to the inspecting authority within six weeks of the coming into force of the Act or after the undertaking has commenced operations a draft of the rules of employment, drawn up in the manner prescribed in §43.

Where the inspecting authority requires rules of employment to be drawn up in pursuance of the provisions of §40, the draft of such rules shall be sent in within four weeks of the date when the order was issued.

#### *§43. Ratification of Rules of Employment.*

The inspecting authority shall send the rules of employment as soon as possible, with their comments, to the Labour Council for ratification. The said Council shall alone have power to determine how far the rules have been drawn up in a lawful manner and are not contrary to the provisions of the Act or contain regulations which are unfair to the workers.

A copy of the rules of employment shall be presented to each worker.

#### *§44. Alteration of the Rules, etc.*

The procedure described in §§41 and 43 shall be adopted also when it is proposed to make any additions to, or modifications in, regulations which have already been ratified.

The provisions of §40, paragraphs 2, 3 and 4, respecting the amount and application of fines, etc., shall apply even in cases where no regulations have been drawn up.

#### *§45. Notices to be Affixed.*

A sufficient number of copies of the Regulations issued by the King or other authorities in pursuance of this Act, including the rules of employment drawn up, a statement of the hours in the day when the workers begin and cease work and their breaks for rest, shall be posted up in an easily legible form in one or more suitable and conspicuous places. A list of the workers under 18 years of age who are employed at any time in the undertaking, and the exemptions from the provisions of the present Act which are allowed to the undertaking, shall likewise be posted up.

A copy of the present Act and of any Acts by which it may be amended or supplemented shall be exposed in a place which is suitable for, and easily accessible to, the workers.

#### *§46. The Requirements of the Act Not Variable.*

The workers shall not have power to agree, with legal effect, to deviations from the provisions of this Act, beyond those expressly allowed thereby.

### PART V.—INSPECTION.

#### *§47. Inspectors and Assistants.*

The supervision of the enforcement of this Act shall be carried out by a Chief Inspector and two or more factory inspectors, one of whom shall be a woman. Notwithstanding, the mining officers, except as regards the machinery contemplated in §10, shall see that the management of, and work in, mines and undertakings treated as mines under the Mining Act, is carried on in such a way

that the health, life and limb of the workmen are protected as far as possible and in a suitable manner.

In undertakings which come under the present Act inspection with regard to inflammable substances dealt with in the Act respecting the prevention of fire, shall be carried out by the inspector contemplated in that Act. More detailed regulations respecting the relations between that inspector and the factory inspectors shall be issued by the King.

The Chief Inspector and the factory inspectors shall be appointed by the King, subject to six months' notice of dismissal; their salaries shall be paid by the Treasury. In appointing the men inspectors, special attention shall be paid to the possession of technical knowledge. For the assistance of the inspectors, the Government Department concerned shall appoint the necessary number of assistants, whose salaries shall be paid by the Treasury, and who shall be subject to six months' notice of dismissal. At least one assistant shall be a woman.

#### *§48. Local Inspecting Authorities: Their Composition and Appointment.*

In every commune where there are undertakings subject to this Act there shall be a local inspecting authority, which shall consist of at least three persons appointed by the communal authority, including at least one woman and one workman; a medical man shall likewise be appointed, as a rule, as a member of the authority. In making the appointments the communal authorities shall see that, in all cases, one of the persons appointed possesses some knowledge of machinery and its use. There shall be appointed at the same time the same number of substitutes, also including at least one woman and one workman. The communal authority shall choose the president of the inspecting authority.

At least 14 days before the appointments are made the president of the commune shall invite the workmen employed in the undertakings situated in the commune which are subject to this Act to meet in order to nominate one or more workmen whose appointment to the inspecting authority they desire.

The appointment of the members of the local inspecting authority shall be undertaken in time for the persons appointed to enter upon their duties at the New Year following. The term of office shall be three years. Any person having acted as an elected member of the inspecting authority for at least three years may refuse re-election during the following three years.

The members of the local inspecting authorities acting when this Act comes into force shall continue to act for the term for which they were appointed.

#### *§49. Functions of the Local Inspecting Authority.*

One or more members of the local inspecting authority shall inspect in person and unannounced every undertaking subject to this Act in the district at least once every half-year. On these visits of inspection the person or persons inspecting shall require, in whatever manner shall seem most suitable, both the employer and the workmen employed in the undertaking to give information as to the existence of any illegal conditions.

Contraventions of the Act ascertained shall be reported by the persons carrying out the inspection to the president of the local inspecting authority, and by him to the Chief Inspector. Where any instructions are given to an undertaking in conformity with the Act, a time limit shall be fixed for carrying them out. A fresh inspection shall take place on the expiration of the time limit.

Where in pursuance of this Act or of instructions the local inspecting authority has power to adopt resolutions (respecting exemptions, instructions,



etc.), the said power shall be exercised *in plenum*, which may adopt such resolutions when at least three members are present, or if the number of members is six or more, when at least two-thirds are present. For the adoption of resolutions a simple majority shall be necessary; in the event of an equality of votes, the president shall have a casting vote. Minutes shall be kept of the proceedings and resolutions of the inspecting authority, and the same shall be signed by all the members taking part. The local inspecting authority may empower their president to grant exemptions in pursuance of §§24 (2) (b), 27 (1) and 31 (5), in urgent cases provisionally, and until the matter can be laid before the whole authority. The same shall apply to decisions under §§24 (1) (d) and 30 (2) (d).

The local inspecting authority and the factory inspector or mining officer concerned shall co-operate to the greatest possible extent. Further provisions respecting the sphere of action of the local inspecting authority, their relations with the inspectors and mining officers, their work and standing orders, shall be issued by the King, after consultation with the Labour Council.

#### §50. *Superintending Inspection.*

Superintending inspection shall be carried out by the Government Department concerned.

The Department may appoint one or more persons to carry out such inspection on each occasion or in particular cases.

#### §51. *The Admission of Inspecting Authorities to Undertakings.*

Factory inspectors and their assistants, the members of the Labour Council or experts, special inspectors commissioned by the Department, and also the local inspecting authorities shall have the right of unhindered entry at any time into any part whatsoever of the premises or workplaces which are subject to this Act or in respect of which there exists any question as to whether they should be held to come under the Act. The same shall apply in the case of the mining officers in respect of the undertakings which they are required to inspect in pursuance of §47. All such persons shall be bound to produce, on demand, a certificate of their appointment, which shall be supplied to the members of the local inspecting authority by the communal authorities concerned, to the members of the Labour Council and experts, by the president of the Council, and in other cases, by the Government Department concerned. It shall be the duty of every person having anything to do with an undertaking to give, on demand, information touching any conditions with which an inquiry is concerned.

#### §52. *The Inspecting Authority's Relations with Undertakings.*

No permanent inspector or assistant shall have any interest in any undertaking subject to this Act or of a similar kind.

No owner or manager of an undertaking subject to this Act shall take part, as a member of the local inspecting authority, in the inspection of his own undertaking or of an undertaking of the same kind as his own, nor shall he, as a member of the Labour Council, take part in visits paid to such undertakings. The same prohibition shall apply in respect of any workman who is a member of the local inspecting authority or of the Labour Council, in so far as concerns the undertaking in which he is employed.

§53. *Expenses of the Local Inspecting Authority.*

The expenses of the local inspecting authorities shall be borne by the communes concerned, with the exception of boarding and travelling expenses, which shall be paid by the president of the local inspecting authority and reimbursed by the Treasury.

§54. *Maintenance of Secrecy.*

Inspecting authorities and their assistants, the members of the Labour Council, and experts, and the special inspectors commissioned by the Department, shall maintain secrecy in respect of any working or business conditions which may become known to them in the course of their work; they shall also refrain from imitating any arrangements and processes, kept secret by the owner of an undertaking, which may come to their knowledge in the course of their work.

Where any illegal condition is notified to the Labour Council, the inspecting authority, or a member thereof, or an inspector, or assistant, the name of the informant shall be kept secret, unless he expressly agrees to his name being made known, or the complaint is not upheld.

§55. *Resolutions of the Inspecting Authority and Amendments to the Same.*

Instructions given and exemptions, etc., allowed by the inspecting authority under the Act shall not be valid unless they are drawn up in writing.

Resolutions legally adopted by the inspecting authority shall only be amended or repealed by the inspecting authority or by the superintending department of inspection.

§56. *The Labour Council.*

The Labour Council shall consist of five members and shall have its headquarters in Christiana. It shall be subject to the Government Department concerned. The president of the Council and his deputy must have legal training, and shall be appointed by the King for five years. Of the remaining four members and substitutes, two of whom shall be employers and two workmen, one workman and one employer shall be elected by the Government Department concerned and the others by Parliament. The said four members and substitutes shall hold office for three years. The Council may co-opt special experts on particular occasions.

The expenses of the Council shall be borne by the Treasury.

The Labour Council, in addition to the duties laid upon it by this Act, shall act as an advisory body in the Government Department concerned, specially in questions of factory inspection. Further regulations respecting the work of the Council shall be drawn up by the Government Department concerned.

PART VI.—PENALTIES.

§57.

In so far as no more severe penalties under the general penal law are applicable, an employer shall be punished by fines who :

(1) contravenes the provisions contained in or issued in pursuance of the Act for the protection of the health, life and limb of the workmen, or the instructions given by the inspecting authority for the enforcement of such provisions ;

(2) contravenes the provisions contained in or issued in pursuance of the Act respecting the employment of children, young persons or adult women and men ;

(3) interferes with peace and order in the workplaces by failure to observe decency or good morals ;

(4) fails to give notice or post up notices where required by the Act (§§4, 9, 14, 22 and 45) or fails to inform the workmen of the conditions of payment (§47) ;

(5) fails to give due assistance, when required, in the examination of steam boilers and pipes (§9) ;

(6) fails, in spite of the instructions of the inspecting authority, to take the steps required of him in respect of the drawing up of rules of employment (§§40-45) ;

(7) is not in possession of the prescribed certificates respecting the health of children and young workers, the school hours of children of school age or the age of children and young persons [§§24 (2) and 35] ;

(8) fails to keep the register of wages prescribed in §29 or the list of children and young workers employed prescribed in §35, or is guilty of gross negligence in the matter ;

(9) dismisses a workman illegally or contravenes the provisions of §37 respecting the payment of wages.

#### §58.

In so far as no more severe penalties under the general penal law are applicable, a worker shall be punishable by fines who :

- (1) is guilty of an offence contemplated under (1), (2) and (3) of §57 ;
- (2) leaves his employment illegally.

#### §59.

In so far as no higher penalty under the general penal law is applicable, any employer, worker or any other person who removes or damages deliberately or by gross negligence the prescribed safety appliances or who removes or assists in removing the prescribed notices, shall be punishable by fines.

#### §60.

The members of the factory inspecting staff, the local inspecting authority, and their assistants, the members of the Labour Council, the experts and the special inspectors commissioned by the Department, shall, for the purposes of the General Penal Code for Civil Offences, be held to be public officials.

#### §61.

Where in an undertaking a manager appointed for the purpose takes the place of the employer, provisions applying to the employer shall apply to such manager.

#### §62.

Parents or other guardians who allow the employment of children contrary to this Act shall be punishable by fines.

#### §63.

Any person who, under §51, refuses to give due information respecting matters affecting inspection and the work of the Labour Council shall be punishable by fine.

#### §64.

The offences contemplated in §57 (9) and 58 (2) shall not be prosecuted by the State, but only on the application of the injured party.



## PART VII.—COMMENCEMENT OF THE ACT.

## §65.

(1) The present Act, with the exceptions named below, shall come into force on January, 1916.

Notwithstanding, if when the Act comes into force, the period of validity of a collective agreement has not expired, the provisions of §§23-31 shall not come into force in the undertakings covered by the collective agreement, before the said agreement expires. In no case shall these provisions come into force before 1st January, 1917.

(2) The Act respecting the inspection of work in factories, etc., dated 10th September, 1909,\* and the supplementary Acts of 25th July, 1910, and 29th July, 1911, shall be repealed from 1st January, 1916. Notwithstanding, the provisions of §23, in so far as concerns young persons, and §§27 and 29 of the aforesaid Acts shall remain in force until §§23-31 of the present Act come into force, in view of what is prescribed above under (1).

## III. Sweden

*Lag om ändrad lydelse af 2 § i lagen angående förbud mot kvinnors användande till arbete nattetid i vissa industriella företag den 20 november 1909. Den 18 oktober 1912 (Svensk Författnings-Samling 1912, no. 250).*

**Act to amend §2 of the Act of 20th November, 1909,† respecting the prohibition of the employment of women on night-work in certain industrial undertakings. Dated 18th October, 1912.**

Section 2 of the Act of 20th November, 1909, respecting the prohibition of the employment of women on night-work in certain industrial undertakings shall read as follows :—

“ §2. If the regular course of work is interrupted by natural occurrences or accidents the employer may reduce the period of rest prescribed in §1, during not more than one week, in so far as appears necessary as a consequence of the said interruption; the reduction adopted and the reasons must be notified immediately to the mining inspector (bärgmästare) or labour inspector concerned. If the reduction is needed for more than a week, the mining inspector or labour inspector may, at the request of the employer, allow a dispensation from the provisions of §1 for a period not exceeding one month. If a further dispensation is necessary, the same may be allowed by the State Department for Social Questions, but not for a period exceeding four months.”

The present Act shall come into force on 1st January, 1913.

\* Text E.B. IV., p. 340.

† Text E.B. V., p. 66.



# War Measures in regard to Labour Legislation

## I. Germany<sup>\*</sup>

(A) EMPIRE.

1. *Bekanntmachung über die Höchstpreise für Petroleum und die Verteilung der Petroleumbestände.* Vom 8. Juli 1915. (R.G.Bl., S. 420.)

Notification respecting maximum prices for petroleum and the distribution of petroleum products. Dated 8th July, 1915.

2. *Bekanntmachung über das Inkrafttreten von Vorschriften der Bundesratsverordnung über den Verkehr mit Brotgetreide und Mehl aus dem Erntejahr 1915 vom 28. Juni 1915.* (R.G.Bl., S. 363.) Vom 17. Juli 1915. (R.G.Bl., S. 443.)

Notification respecting the coming into force of provisions of the Federal Council's Order of 25th June, 1915, respecting the sale of bread cereals and flour from the harvest of 1915. (R.G.Bl. p. 363.) Dated 17th July, 1915.

3. *Bekanntmachung einer Aenderung der Verordnung über den Verkehr mit Brotgetreide und Mehl aus der Ernte 1915 vom 28. Juni 1915.* (R.G.Bl., S. 363.) Vom 23 Juli, 1915. (R.G.Bl., S. 461.)

Notification of an amendment to the Order of 28th June, 1915,† respecting the sale of bread cereals and flour from the harvest of 1915. (R.G.Bl. 363.) Dated 23rd July, 1915.

4. *Bekanntmachung über die Höchstpreise für Brotgetreide.* Vom 23. Juli 1915. (R.G.Bl., S. 458.)

Notification respecting maximum prices for bread cereals. Dated 23rd July, 1915.

5. *Bekanntmachung über die Wahlen nach dem Gewerbegerichtsgesetz und dem Gesetze, betr. Kaufmannsgerichte.* Vom 26. Juli 1915. (R.G.Bl., S. 481.)

Notification respecting the elections under the Industrial Courts Act and the Act respecting Commercial Courts. Dated 26th July, 1915.

<sup>\*</sup> See also: "Die Kriegsnotgesetze, Sammlung der wichtigeren Gesetze, Verordnungen und Erlasse für das Reich und Preussen." 8th and 9th Parts. July and August, 1915. Carl Heymann, Berlin.

† See E.B. X., p. 231, No. 6.



- 6.** *Bekanntmachung, betr. die Wahlen nach der Reichsversicherungsordnung*  
Vom 12 August 1915. (R.G.Bl., S. 497.)

Notification respecting the elections under the Imperial Insurance Code.  
Dated 12th August, 1915.

- 7.** *Bekanntmachung über das Inkrafttreten von Vorschriften der Bundesratsverordnung vom 28. Juli 1915 (R.G.Bl., 363) über den Verkehr mit Brotgetreide und Mehl aus dem Erntejahr 1915.* Vom 13. August 1915.  
(R.G.Bl. S. 499.)

Notification respecting the coming into force of provisions of the Federal Council's Order of 28th June, 1915 (R.G.Bl., p. 363) respecting the sale of bread cereals and flour from the harvest of 1915. Dated 13th August, 1915.

- 8.** *Bekanntmachung einer Aenderung der Verordnung vom 28. Juni 1915 (R.G.Bl., S. 363) über den Verkehr mit Brotgetreide und Mehl aus dem Erntejahr 1915.* Vom 19. August 1915. (R.G.Bl., S. 508.)

Notification of an amendment to the Order of 28th June, 1915 (R.G.Bl., p. 363) respecting the sale of bread cereals and flour from the harvest of 1915.  
Dated 19th August, 1915.

- 9.** *Bekanntmachung, betr. Festsetzung der Ortslöhne.* Vom 19. August 1915.  
(R.G.Bl., S. 511.)

Notification respecting the determination of local wages. Dated 19th August, 1915.

[Extension of time for the first determination of local wages (§151, paragraph 1, of the Imperial Insurance Code).]

- 10.** *Bekanntmachung über die Berichtigung und Ergänzung der Bekanntmachung gegen übermäßige Preissteigerung vom 23. Juli 1915 (R.G.Bl., S. 467.)* Vom 22. August 1915. (R.G.Bl., S. 514.)

Notification to correct and supplement the Notification of 23rd July, 1915 (R.G.Bl., p. 467),\* against excessive increases in prices. Dated 22nd August, 1915.

[Supplement to §6, paragraph 1: "It shall not apply to commodities for which maximum prices are fixed."]

- 11.** *Bekanntmachung, betr. die Angestelltenversicherung während des Krieges.* Vom 26. August 1915. (R.G.Bl., S. 531.)

Notification respecting the insurance of employees during the War. Dated 26th August, 1915.

#### I.

1. The periods during which insured persons have rendered, during the present war, military, sanitary or similar services for the German Empire or the Austro-Hungarian Monarchy shall, in so far as they consist of complete

\* Text E.B. X., p. 232, No. 10.

calendar months, be held to be periods of contribution for the purposes of the waiting periods and in the calculation of the insurance benefits as regards pensions and survivors' pensions, under the Employees Insurance Act, without the payment of contributions being required.

2. The salary class shall be taken to be that applying in the last month preceding 1st August, 1914, during which a compulsory contribution was paid. In the case of employees for whom insurance was not compulsory until after 31st July, 1914, the salary class shall be determined from the last compulsory contribution paid before entering the service indicated in §1.

Salary class E shall apply if, in the month in question, only contributions under §177 of the Employees Insurance Act were paid.

In the cases contemplated in §390 of the Employees Insurance Act, only the employer's contribution shall be taken into account.

3. The service contemplated in §1 shall be proved by military papers.

4. Contributions paid in respect of the periods indicated in §1 shall, in so far as they are not reimbursed under §398 of the Employees Insurance Act, be returned to the employer at his request, without interest; the employer shall make good to the employee the part of the contributions paid by him.

Application for the reimbursement of contributions shall be made not later than six months after the conclusion of the month in which peace is concluded. If peace is not concluded, the time limit shall begin at the end of the year in which the war ends.

If the application is not made within the time limit, or if it is rejected, the contributions shall remain to the credit of the employee; to this extent the months of war shall not be reckoned as periods of contribution under §1.

Sections 210 *et seq.* of the Employees Insurance Act shall apply correspondingly to the settlement of disputes respecting the reimbursement of contributions.

5. The preceding provisions shall apply correspondingly in the case of voluntary insurance. Reimbursements in accordance with §4 shall be made at the request of the insured person.

6. This Order shall not apply to insured persons who were insured, during the month contemplated in §§2 and 5, in a substitute fund (§§372 *et seq.* of the Employees Insurance Act).

## II.

7. The provisions of §51 (1) and (2) of the Employees Insurance Act relating to periods of military service shall apply correspondingly to periods in which, during the present war, the insured person is a prisoner of war, without the conditions contemplated in §51 (1) and (2) being present.

## III.

8. Insured persons who, during the present war, are prevented as a result of the action of enemy States from paying contributions in order to continue their insurance voluntarily, or the recognition fee for maintaining their acquired expectations (§15 of the Employees Insurance Act), may pay the contributions and recognition fee in arrears, contrary to §201 of the Act. The payment of the arrears must be effected at latest by the conclusion of the calendar year following the year in which the war ends.

9. Where an insured person receives, during the present war, a lower salary than usual as a result of a reduction of business, or where he is out of employment as a result of the cessation of an undertaking, he may, for the months of the war, pay contributions up to the amount which corresponds to the average of the last six compulsory contributions paid before the reduction

of business or cessation of the undertaking. The extra amounts of the contributions must be paid at latest by the conclusion of the calendar year following the year in which the war ends.

## IV.

10. The insurance sums accrued to the Imperial Insurance Institution for Employees under §372, paragraph 3 (3), of the Employees Insurance Act which have or may become due as a result of death arising from war, during the present war, shall be paid to the survivors of the person taking part in the war, after deducting the contributions paid over by the Imperial Insurance Institution for Employees to the Life Insurance Establishments, together with 3½ per cent. compound interest.

11. The persons designated in §60 (2) of the Employees Insurance Act shall be entitled to claim.

12. The transference, assignment and pledging of these claims shall only be permissible within the limits prescribed in §93 of the Employees Insurance Act.

13. The claim to reimbursement shall lapse if it is not made good within one year of the death of the insured person, or in cases where the death occurred before this Order came into force, within one year of the coming into force of this Order.

14. The provisions of the Employees Insurance Act (§§229 *et seq.*) shall apply correspondingly as regards the procedure for determining claims to reimbursement and the settlement of disputes.

## V.

15. The time limit fixed in §395 of the Employees Insurance Act, within which a reduction of the waiting period for drawing benefits under this Act may be allowed, shall be extended in the case of persons taking part in the war, up to the conclusion of the calendar year following the year in which the war ends.

## VI.

16. This Order shall come into force on the day of its notification. The provisions of §§1 to 12 shall apply as from 1st August, 1914, onwards.

**12.** *Bekanntmachung über das Ausserkrafttreten der Bekanntmachung über die Höchstpreise für Speisekartoffeln vom 15. Februar 1915. Vom 26. August 1915 (R.G.Bl., S. 524).*

Notification respecting the putting out of operation of the Notification of 15th February, 1915, respecting maximum prices for edible potatoes. Dated 26th August, 1915.

**13.** *Bekanntmachung, betr. Aenderung der Verordnung über die Errichtung von Vertriebsgesellschaften für Steinkohlen- und Braunkohlenbergbau vom 12. Juli 1915 (R.G.Bl., S. 427). Vom 30. August 1915. (R.G.Bl., S. 535.)*

Notification to amend the Order of 12th July, 1915, respecting the establishment of Sale Societies for the anthracite and lignite coal mining industry. Dated 30th August, 1915.

[By §1 of the Notification of 12th July, 1915, the Central Authorities of the States were authorised to unite the owners of anthracite and lignite coal mines in general, or for different kinds of mining produce, without their consent,



into societies, with the duty of regulating the supply as well as the sale of the mining produce of their members. Under §III., 7, paragraph 3, the Central Authorities of the States were required, if decisions of a society were objected to as being contrary to the public interests, before coming to a decision, to hear the views of an advisory board to which they had to invite representatives of mining, the coal trade, industry, agriculture, the towns and the railway administration.—The Notification of 30th August, 1915, contains, *inter alia* an amendment to the effect that in §III., 7, paragraph 3, the words “mine-owners, miners,” are to be substituted for the word “mining.”

14. *Bekanntmachung der Fassung der Verordnung über die Errichtung von Vertriebsgesellschaften für die Steinkohlen- und Braunkohlenbergbau.* Vom 30. August, 1915. (R.G.Bl., S. 536.)

Notification of the text of the Order respecting the establishment of Sale Societies for the anthracite and lignite coal mining industry. Dated 30th August, 1915.

15. *Bekanntmachung über die Errichtung von Preisprüfungsstellen und die Versorgungsregelung.* Vom 25. September 1915. (R.G.Bl., S. 607.)

Notification respecting the institution of prices investigation centres, and the regulation of supplies. Dated 25th September, 1915.

#### *I.—Institution of Prices Investigation Centres.*

1. In order to establish standards for the regulation of the prices of necessary articles of consumption and to assist the proper authorities in supervising the sale of such articles, prices investigation centres shall be instituted.

2. Communes with more than 10,000 inhabitants shall, and other communes as well as unions of communes may, institute prices investigation centres. The Central Authorities of the States may require prices investigation centres to be instituted also in communes with not more than 10,000 inhabitants. The institution of prices investigation centres for a union of communes shall relieve the communes belonging to such union from the obligation contemplated in the first sentence.

Unions of communes, communes and rural districts may combine for the purpose of instituting a joint prices investigation centre.

The Central Authorities of the States shall have power to combine unions of communes, communes and rural districts for the purpose of instituting a joint prices investigation centre.

3. The prices investigation centres shall consist of a president and a suitable number of members.

In the case contemplated in §2, paragraph 1, the president shall be appointed by the executive bodies of the commune or union of communes, and in the case contemplated in §2, paragraph 2, by the executive bodies of the unions of communes, communes and rural districts concerned, or if no agreement can be come to, and also in the case contemplated in §2, paragraph 3, by the higher administrative authorities. The appointment of the president shall need confirmation by the higher administrative authorities, unless he is appointed by them or is the holder of a State or communal office.

One or more substitutes for the president may be nominated. Paragraph 2 shall apply correspondingly.

The members shall be nominated by the executive body of the commune or union of communes, or in the cases contemplated in §2, paragraphs 2 and 3,

by the executive bodies of the unions of communes, communes and rural districts concerned ; one half shall be chosen from manufacturing and wholesale and retail trading circles, and the other half shall consist of experts not directly affected and consumers.

More detailed provisions respecting the composition of the centres and procedure shall be issued by the Central Authorities of the States ; where there are institutions already in existence which correspond to the prices investigation centres they may, in the cases contemplated in paragraph 4, provide that the nomination shall be effected in some manner other than that there prescribed.

4. It shall be the duty of the prices investigation centres—

(1) to ascertain, from their knowledge of market conditions, on the basis of the cost of manufacture and preparation and other costs of production, the prices adapted to local circumstances ;

(2) to assist the proper authorities in supervising the sale of necessary articles of consumption and in prosecuting contraventions of the provisions respecting maximum prices and the regulation of the sale of necessary articles of consumption ;

(3) to give expert opinions on the suitability of prices, to courts and administrative authorities ;

(4) to assist the proper authorities in explaining the variations of prices and their causes to the public.

5. The prices investigation centres may provide that persons holding necessary articles of consumption for retail sale shall be bound to affix in their salerooms or place of business, a list showing the exact sale price of the goods as well as the prescribed maximum price, if any. The statement of prices in the list shall be held to be the demanding of a price within the meaning of §5, paragraph 1 (1), of the Notification against excessive rises in prices, dated 23rd July, 1915 (R.G.Bl., p. 467).\*

The prices announced shall not be exceeded. The supply for cash of the usual quantities retailed to consumers at the prices announced shall not be refused.

More detailed provisions shall be issued by the prices investigation centres. They shall have power to allow exceptions.

The Notification respecting the posting up of prices in the salerooms or retail shops, dated 24th June, 1915 (R.G.Bl., p. 353),† and the Orders issued in pursuance of that Notification shall not be affected hereby.

6. The prices investigation centres shall have power to make arrangements with other prices investigation centres for the mutual exchange of information respecting the supply, stocks and prices of necessary articles of consumption.

They shall, in addition, have power, within their districts—

(1) to require all persons to supply information respecting facts which have important effects upon prices, and especially to institute inquiries into the stocks, supply and prices of necessary articles of consumption ;

(2) to enter and inspect rooms in which necessary articles of consumption are made, stored or offered for sale ;

(3) to require, with the approval of the competent authority, the production of broker's notes, accounts, bills of lading, letters of conveyance, warrants, and any other documents and books usual in commercial trans-

\* Extract E.B. X., p. 232, No. 10.

† Text E.B. X., p. 231, No. 5.

sactions, in so far as they relate to the purchase or sale of necessary articles of consumption, and to peruse such documents.

The powers contemplated in paragraph 2 may be exercised by authorised representatives.

7. The president of a prices investigation centre and his substitute shall have power to take the sworn testimony of witnesses and experts living or staying in the district of the centre. The provisions of the Code of Civil Procedure respecting the taking of the evidence of witnesses and experts shall apply correspondingly. The witnesses and experts shall receive fees in accordance with the Order regulating fees for witnesses and experts (R.G.Bl. 1898, p. 689; 1914, p. 214). The higher administrative authority shall decide finally on appeals against the decisions of the president or his substitute.

8. The prices investigation centres shall have power to request prices investigation centres, courts and other authorities within their jurisdiction, to take the evidence of witnesses and experts. The provisions of Title 13 of the Constitution of Courts Act shall apply correspondingly to the judicial help given by the courts.

9. The presidents and substitutes, members and representatives of the prices investigation centres shall be bound, except as regards official reports and the notification of breaches of the law, to observe secrecy in respect of the arrangements and business conditions which come to their knowledge in the exercise of their functions, and to refrain from communicating or taking advantage of business and trade secrets. They shall be required by the authorities designated in §3 to appoint them, to take an oath to this effect.

10. The institution of prices investigation centres for large districts shall rest with the Central Authorities of the States.

Sections 6 and 9 shall apply.

11. For the Empire a prices investigation centre shall be established in Berlin, consisting of board and an advisory council. The Imperial Chancellor shall appoint the board and the members of the advisory council; he shall supervise the centre and issue more detailed regulations.

It shall be the duty of the Imperial Prices Investigation Centre—

(1) to advise the Imperial Chancellor on all matters affecting the supply of necessary articles of consumption to the public, especially as regards price conditions;

(2) in so far as may be necessary to this end, to enter into communication with the other prices investigation centres and with the authorities having the duty of fixing maximum prices, to collate the results of their work, and in general to keep themselves currently informed as regards the supply, stocks, and prices of necessary articles of consumption in the Empire;

(3) to place any important results of their inquiries at the disposal of other prices investigation centres.

The board shall have the powers designated in §6, paragraph 2 (1), and §8. Section 9 shall apply to the board and the members of the advisory council.

## *II.—Regulation of Supplies.*

12. In order to ensure the supply of certain necessary articles of consumption for the public at moderate prices, the communes may, with the approval of the Central Authorities of the States or of the authorities designated by them—

(1) issue regulations for commercial and industrial businesses in their districts respecting the conduct of such businesses, especially the purchasing, sale and prices of goods and book-keeping;



(2) take over the supplying of goods themselves to the exclusion of commerce and industry;

(3) confer upon public institutions or specified commercial and industrial businesses the exclusive right of supplying goods, and, in this connection, issue regulations respecting the business, especially re-sale and prices.

13. With the approval of the Central Authorities of the State or the authorities designated by them the communes may provide for their districts:

(1) that any person who has necessary articles of consumption in his charge shall, within a time limit to be specified, give notice of the quantities in stock classified according to their kind and owners, and naming the latter;

(2) that the owners of commercial and industrial businesses shall be bound—

(a) to supply, within a time limit to be specified, information respecting the contracts in pursuance of which they can require the delivery of articles of a kind affected by measures taken under §12, and

(b) to give up their stores on demand for purchase by the communes.

14. If such stores are not voluntarily given up, the ownership of the same may be transferred to the commune by resolution of the competent authority. The ownership shall be transferred as soon as the resolution reaches the owner.

If no agreement is come to with the owner, the transfer price shall be fixed finally by the higher administrative authority, after consultation with the prices investigation centre, taking into consideration the purchase price and the cost of preparation and production and the quality and vendibility of the goods. In this connection, existing maximum prices shall not be exceeded.

15. Unions of communes and associations of such unions, of communes and of rural districts shall possess likewise the functions devolving upon communes in this Part.

The Central Authorities of the State may combine unions of communes, communes and rural districts for the purposes of the regulation of supplies and give them, wholly or in part, the functions arising out of §§12 to 14.

The Central Authorities of the States may themselves regulate the supplying of goods to the public within their territory or part of their territory. Sections 12 to 14 shall apply correspondingly.

In so far as supplies are regulated for a larger area under paragraphs 11 and 2, the functions devolving upon the communes and unions of communes of that area shall be suspended.

16. Before giving their approval to an order in pursuance of §13, paragraph 1 (2) (b), or before issuing such an order, the Central Authorities of a State shall give the Imperial Chancellor an opportunity of objecting thereto in the interests of the supply of the Empire as a whole. If the Imperial Chancellor makes use of this power, the authority shall refuse approval or refrain from issuing the order.

### III.—Penalties.

17. The following persons shall be punishable by imprisonment for a term not exceeding six months or by a fine not exceeding 1,500 M. :—

(1) Any person who knowingly supplies incomplete or incorrect information which he is required to give under §6, paragraph 2 (1), or contrary to the provisions of §6, paragraph 2 (2) and (3), refuses admission to their rooms, to allow an inspection, or to produce business documents or allow their perusal.

(2) any person who contravenes orders issued in pursuance of §12 ;

(3) any person who fails to give the notice or information required under §13, within the prescribed time limit, or who knowingly supplies incomplete or incorrect information ;

(4) Any person who contravenes the administrative regulations issued by the Central Authorities of the State.

18. Any person who, contrary to §9, fails to observe secrecy, or to refrain from communicating or taking advantage of business or trade secrets, shall be punishable by a fine not exceeding 1,500 M., or by imprisonment for a term not exceeding three months ; such person shall only be prosecuted at the request of the owner of the business.

19. Any person who contravenes regulations issued in pursuance of §5, paragraphs 1 and 3, or the provisions of §5, paragraph 2, shall be punishable by fine not exceeding 150 M., and in default by detention for a term not exceeding four weeks, in so far as no more severe penalties are impossible under other provisions.

#### IV.—Final provisions.

20. The powers conferred by §6, paragraph 2, and §§12 and 13, shall not be applicable over against the Empire, the Federal States, Alsace-Lorraine, communes and unions of communes, the Imperial Grain Centre, the Central Sale Society, or societies, leagues and settlement departments subject to the Ministry of War or the Imperial Marine Board.

No person shall be required to give up stores [§13, paragraph 1 (2) (b)] if they are intended for the fulfilment of a contract with one of the aforesaid authorities.

21. The Central Authorities of the States shall issue regulations for the administration of this Order. They shall decide what authorities shall be regarded, within the meaning of this Order, as higher administrative authorities, competent authorities, unions of communes, communes, and executive bodies of a union of communes and a commune.

22. The Imperial Chancellor may allow exceptions to the obligations imposed in pursuance of this Order.

23. The Order shall come into force on the day of its notification.

The Imperial Chancellor shall determine the day when it shall cease to have effect.

6. *Gesetz betreffend Aenderung des Gesetzes betreffend die Unterstützung von Familien in den Dienst eingetretener Mannschaften, vom 28. Februar 1888 (R.G.Bl. S. 59). Vom 30. September 1915. (R.G.Bl. S. 629.)*  
 Act to amend the Act of 28th February, 1888, respecting the maintenance of the families of men who have entered the service. Dated 30th September, 1915.

SOLE SECTION.—(1) In §10, paragraph 5, of the Act of 28th February, 1888 (R.G.Bl. p. 59)/4th August, 1914 (R.G.Bl., p. 332), respecting the maintenance of the families of men who have entered the service, sentence 2 shall be deleted.

(2) The following shall be inserted as paragraph 6 :—

The family maintenance shall be continued for three months beyond the time from which the survivors' allowances payable to the survivors in pursuance of the Act of 17th May, 1907 (R.G.Bl., p. 214) become applicable. Any maintenance paid to the family beyond this limit shall be held to be

advance payments of survivors' allowances and shall be deducted on the payment of the latter.

**17. Bekanntmachung über das Verbot des Anstreichens mit Farben aus Bleiweiß und Leinöl.** Vom 14 Oktober 1915. (R.G.Bl., S. 671.)

Notification respecting the prohibition to paint with colours containing white lead and linseed oil.

1. The exteriors of houses, as well as walls and fences, shall not be painted with colours in the preparation of which white lead and linseed oil are used.

The Imperial Chancellor may allow exceptions.

2. Any person contravening the rule contained in §1, paragraph 1, shall be punishable by fine not exceeding 1,500 M., or by imprisonment for a term not exceeding three months.

3. This Order shall come into force on 25th October, 1915. The date when it shall cease to have effect shall be determined by the Imperial Chancellor.

**18. Bekanntmachung, betreffend den Betrieb der Anlagen der Grosseisenerie.** Vom 29. Oktober 1915. (R.G.Bl., S. 154.)

Notification respecting the management of works in the iron industry. Dated 29th October, 1915.

In pursuance of §§120f, 139b of the Industrial Code, the Federal Council has issued the following:—

The regulation issued on 21st October, 1914 (R.G.Bl., p. 446), shall be repealed, and §7 of the Notification of 4th May, 1914, respecting the management of works in the iron industry (R.G.Bl., p. 118) shall be amended as follows:—

§7. The preceding provisions shall come into force on 1st December, 1916, in place of the Notification of 19th December, 1908. (R.G.Bl. p. 650.)

The exceptions allowed in pursuance of §3 of the Notification of 19th December, 1908, shall remain in force, if their duration is not restricted to a shorter period, until 30th November, 1916, but shall all go out of operation on 1st December, 1916.

**19. Bekanntmachung, betreffend die Einschränkung der Arbeitszeit in Spinnereien, Webereien, Wirkereien usw.** Vom 7. November, 1915. (R.G.Bl. S. 733.)

Notification respecting the limitation of hours of work in spinning, weaving and hosiery mills. Dated 7th November, 1915.

1. In industrial establishments in which spun goods or woven goods, hosiery, knitted, braided or rope goods, machine-made lace, wadding or felt are made wholly or partly from cotton, wool, artificial wool, flax, jute, ramie, hemp or other rope fibres, the workers shall not be employed for more than five days in every week. The daily hours of work shall not exceed the average duration usual in June, 1915. In no case shall they exceed 10 hours a day, exclusive of breaks, for any individual worker and for the establishment.

These provisions shall apply to all processes (including preliminary and subsequent processes) which serve to complete the manufacture of the goods named in paragraph 1, and in particular to bleaching, dyeing, finishing, twisting, printing and so forth.



In mixed establishments the limitations shall only apply to those parts thereof in which goods of the kind designated are manufactured.

The provisions of paragraphs 1 to 3 shall not apply to commercial work, or to

(1) the watching of the premises, the cleaning and repairing operations necessary to the regular course of work in the establishment itself or some other establishment, and processes upon which the resumption of the complete operations of the working day depend ;

(2) work which is necessary to prevent damage to raw materials or the spoiling of products ;

(3) the inspection of the establishment ;

(4) the fetching and removing of goods and fuel and the loading and unloading of railway trucks.

The Central Authorities of the States may prescribe more far-reaching limitations of working days and daily hours of work.

2. The Central Authorities of the States or the authorities designated by them may, on request, allow exceptions in the public interest.

3. Manufacturers who contravene the provisions of this Order or the Orders issued by the Central Authorities of the States in pursuance of §1, paragraph 5, shall be punishable by fine not exceeding 1,500 M., or by imprisonment for a term not exceeding three months.

4. This Order shall come into force on the day of its notification in place of the Order of 12th August, 1915\*. (R.G.Bl., p. 495.) The Imperial Chancellor shall determine the date when it shall cease to have effect.

20. *Bekanntmachung einer Aenderung zur Verordnung vom 14. Oktober 1915 (R.G.Bl. S. 671) über das Verbot des Anstreichens mit Farben aus Bleiweiss und Leinöl. Vom 11. November 1915. (R.G.Bl. S. 758.)*

Notification of an amendment to the Order of 14th October, 1915,† respecting the prohibition to paint with colours containing white lead and linseed oil. Dated 11th November, 1915.

1. The Notification of 14th October, 1915, respecting the prohibition to paint with colours containing lead and linseed oil, shall be amended as follows :—

(1) In the title the words "containing vegetable or animal oil" shall be substituted for the words "containing white lead and linseed oil."

(2) In §1, the words "vegetable or animal oil are used" shall be substituted for the words "white lead and linseed oil are used."

2. This Order shall come into force on the day of its notification.

\* \* \*

The Imperial Insurance Office (Accident Insurance Department) has issued the following Circular (I.V. 13-15) :—

A. To the executive boards of the trade associations subject to the Imperial Insurance Office. [Supplementary to the Circular of 22nd January, 1915 (I.V. 13-15), and No. 8 of the Circular of 10th August, 1914 (I. 9898).] Dated 2nd June, 1915.

\* Text E.B. XI., p. 232, No. 11.

† See No. 17 on p. 352.

From the statements received as a result of the Circular of 22nd January 1915, the Imperial Insurance Office has learnt with satisfaction that the executive boards of the trade associations are devoting adequate attention to the maintenance of the service of technical inspection even during the war. Notwithstanding, as a result of men being called to the Colours, many serious gaps have arisen in the staffs of technical inspectors, even in the case of trade associations the establishments of which are approximately as busy as, or even busier than, before the war. Serious attention should be given to the filling of these vacancies. This may be effected, where the circumstances permit, by the temporary appointment of new technical inspectors, for which purpose suitable retired inspectors should be reintroduced into the service. In addition, the possibility of arranging for the exchange or local substitution of technical inspectors in similar trade associations should be considered. Further, the technical inspectors remaining in the service should not be employed to too great an extent in office work, for which, in the majority of cases, substitutes without technical training will be available.

Some trade associations, in spite of the increased employment of unskilled workers and speeding-up in connection especially with the supply of military requirements, anticipate no or only a slight, increase in the number of accidents. The Imperial Insurance Office doubts if this expectation will be confirmed, since long experience has shown that circumstances of the kind named give rise to an increase in the accident risk. In any case, special attention should be paid to the inspection of the establishments in question. In order to give a survey of the changes in the number of accidents caused by the war, the accidents notified since the outbreak of the war on 1st August, 1914, up to 1st August, 1915, should be collated statistically and compared with the accidents during the similar period of the two preceding years, allowing for the number of persons actually employed in these periods.

The workers employed in economic production during the war must be protected from the risk of accident as far as possible. In view of the sacrifice of human life necessitated by the war, the sparing of our human resources is not only a moral duty, but is also demanded from the point of view of national economy. The Imperial Insurance Office is convinced that the trade associations are agreed on this point.

A statement of the measures adopted and the presentation of statistical data is expected by 1st September, 1915.

B. To the executive boards of the agricultural trade associations concerned. [Supplementary to the Circular of 22nd January, 1915 (I.V. 13-15) and to No. 8 of the Circular of 10th August, 1914 (I. 9898).] Dated 2nd June, 1915.

According to the reports of the agricultural trade associations the war has had an unfavourable effect on the inspection of undertakings. To some extent it has even been entirely suspended. This is most regrettable. For if these circumstances continue for some time it is, in particular, to be feared that the members of the trade associations and insured persons will lose again that comprehension of the great importance of regulations for the protection of the workers, which they had acquired as a result of the laborious work of years on the part of the trade associations and their technical inspectors. This should be avoided at all costs. The executive board is consequently respectfully requested to give this matter special attention, and to refer incidentally to the statements contained in No. 8 of the Circular, of 10th August, 1914 (I. 9898). In so far as insuperable difficulties due to the state of

or actually prevent associations from maintaining the regular supervision of undertakings, the example of the Rhenish and Coburg agricultural trade associations should be followed, in impressing upon their members by memoranda, or cautions, or in some similar suitable manner, that even in war time they must not fail to observe the rules for the prevention of accidents, and that, in view of the sacrifice of human life necessitated by the war, it is imperative to preserve our human resources, as far as is at all possible, from injury or accident.

## (B) FEDERAL STATES.

### PRUSSIA.

*Der Justizminister, der Minister für Landwirtschaft, Domänen und Forsten, der Minister des Innern und der Minister für Handel und Gewerbe, betr. Ausführungsverordnung zur Bekanntmachung betr. Einigungsämter. Vom 17. December, 1914. (H.M.Bl.\*, S. 34.)*

The Minister of Justice, the Minister of Agriculture, Domains and Forests, the Minister of the Interior and the Minister for Commerce and Industry respecting the administrative Order in pursuance of the Notification relating to boards of conciliation. Dated 17th December, 1914.

*Der Minister für Handel und Gewerbe, betr. Bäckerei und Konditoreibetriebe. Vom 8. Januar 1915. (H.M.Bl., S. 16.)*

The Minister of Commerce and Industry respecting bakeries and confectionery businesses. Dated 8th January, 1915.

### [EXTRACT.]

III. You will make use of the power to fix the beginning and end of the 2-hour cessation of work at night, in a manner deviating from §9, paragraph 1, of the aforesaid Order,† only for very weighty reasons. In this connection, you should avoid unconditionally varying the period of rest in such a way that fresh maize bread can be supplied to the well-to-do classes at the hour usual for their breakfast, while it cannot be prepared in time for the usual breakfast-hour of the working classes at all, as a result of the limits governing the variations in the regulations contemplated in §9, paragraph 2. Notwithstanding, in order to attain the object of the Order, it may, in certain circumstances, be expedient to postpone the beginning of the hours of work to a later hour, if maize bread is principally used at a time when fresh maize bread could be delivered if working hours began at 7 o'clock. If you are led to issue a regulation fixing hours in pursuance of §9, paragraph 2, a copy of the same should be sent to me immediately.

V. (2) In view of the prohibition of night-work for the manufacture of bread and cakes which is now introduced, the Notification of 4th March, 1896 (R.G.Bl., p. 55), respecting the management of bakeries and confectionery businesses ceases to apply for the time being.

(3) The interruption in the period of rest for the purpose of preparing dough ingredients (yeast, leaven) contemplated under §11 of the Notification of 4th March, 1896, is not permissible under §9, paragraph 1, of the Notification

\* H.M.Bl. = Ministerialblatt der Handels- und Gewerbeverwaltung.

† Order of the German Federal Council respecting the manufacture of bread and cakes. Dated 5th January, 1915. Extract E.B. X., p. 46, No. 30.



of the 5th inst., since under the said provision, from the 15th inst., all work in the manufacture of bread and cakes is prohibited between the hours of 7 p.m. and 7 a.m.

3. *Der Minister für Handel und Gewerbe betr. Fürsorge für verstümmelte Kriegsinvaliden.* Vom 6. März 1915. (H.M.Bl., S. 73.)

The Minister of Commerce and Industry respecting provision for men maimed in the War. Dated 6th March, 1915.

[Advice as regards trades.]

4. *Der Minister für Handel und Gewerbe betr. Sonntagsarbeit im Bergbau während des Krieges.* Vom 11. März 1915. (H.M.Bl., S. 89.)

The Minister of Commerce and Industry, respecting Sunday work in mining during the War. Dated 11th March, 1915.

[Until further notice work to be undertaken in order to satisfy the demand for fuel is to be put on the same footing as the branches of work named in the Decree of 5th August, 1914.\*]

5. *Der Minister für Handel und Gewerbe betr. Bäckereibetriebe.* Vom 20. März 1915. (H.M.Bl., S. 96.)

The Minister of Commerce and Industry respecting bakeries.

Only manual work is to be held to be work in the manufacture of bread and cakes within the meaning of §9 of the Notification of 9th January of this year (R.G.Bl., p. 8). The fact that the bread remains in the oven, so long as no manual work is connected with it, can not be held to involve the work in question.

6. *Der Justizminister, der Minister für Handel und Gewerbe, der Minister des Innern und der Minister für Landwirtschaft, Domänen, und Forsten betr. Einigungsämter.* Vom 29. März 1915. (M.Bl., Verw., S. 58.)

The Minister of Justice, the Minister of Commerce and Industry and the Minister of Agriculture, Domains and Forests respecting conciliation boards. Dated 29th March, 1915.

7. *Der Minister für Handel und Gewerbe, der Minister für Landwirtschaft, Domänen und Forsten und der Minister des Innern betr. die Kriegsinvalidenfürsorge.* Vom 10. Mai 1915. (M.Bl. V, S. 95.)

The Minister of Commerce and Industry, the Minister of Agriculture, Domains and Forests, and the Minister of the Interior respecting provision for men invalided through the War. Dated 10th May, 1915.

8. *Der Minister für Landwirtschaft, Domänen und Forsten und der Minister des Innern betr. Anwerbung von Arbeiten in Oesterreich.* Vom 19. Mai 1915. (M.Bl.Landw., S. 115.)

The Minister of Agriculture, Domains and Forests and the Minister of the Interior respecting the recruiting of workers in Austria. Dated 19th May, 1915.

\* See E.B. X., p. 49, No. 3.

1. *Der Minister für Handel und Gewerbe betr. Zentralauskunftsstellen für Arbeitsnachweise.* Vom 21. Mai 1915. (H.M.Bl., S. 124.)  
The Minister of Commerce and Industry respecting central information bureaux for labour exchanges. Dated 21st May, 1915.
2. *Der Minister für Landwirtschaft, Domänen und Forsten betr. Beschäftigung von Kriegsgefangenen bei der Lohngewinnung in den Gemeinde- usw. Waldungen.* Vom 5. Juni 1915. (M.Bl.Landw., S. 119.)  
The Minister of Agriculture, Domains and Forests respecting the employment of prisoners of war in wage-earning occupations in the communal and other forests. Dated 5th June, 1915.
3. *Der Minister für Handel und Gewerbe betr. Zahlung der Wochenhilfe.* Vom 8. Juni 1915. (H.M.Bl., S. 133.)  
The Minister of Commerce and Industry respecting the payment of maternity benefit. Dated 8th June, 1915.
4. *Der Minister für Handel und Gewerbe betr. Ausdehnung der Kriegswochenhilfe.* Vom 18. Juni 1915. (H.M.Bl., S. 150.)  
The Minister of Commerce and Industry respecting the extension of maternity benefit during the War. Dated 18th June, 1915.
5. *Der Minister für Handel und Gewerbe, der Finanzminister und der Minister des Innern betr. Kosten der Versicherungsämter und Oberversicherungsämter.* Vom 24. Juni 1915. (H.M.Bl., S. 163.)  
The Minister of Commerce and Industry, the Minister of Finance and the Minister of the Interior respecting the expenses of the Insurance Offices and Superior Insurance Offices. Dated 24th June, 1915.
6. *Der Finanzminister betr. Verrechnung der den Krankenkassen zu erstattenden Beträge für Wochenhilfe.* Vom 26. Juli 1915. (H.M.Bl., S. 206.)  
The Minister of Finance respecting the calculation of the contributions for maternity benefit to be paid to the Sick Funds. Dated 26th July, 1915.
7. *Der Minister für Handel und Gewerbe, der Minister für Landwirtschaft, Domänen und Forsten und der Minister des Innern betr. Ausführungsanweisung zu der Verordnung des Bundesrats gegen übermäßige Preissteigerungen vom 23. Juli 1915 (R.G.Bl., S. 467).* Vom 6. August 1915. (H.M.Bl., S. 204.)  
The Minister of Commerce and Industry, the Minister of Agriculture, Domains and Forests and the Minister of the Interior respecting administrative instructions in pursuance of the Order of the Federal Council of 23rd July, 1915 (R.G.Bl., p. 467), against excessive rises in prices. Dated 6th August, 1915.
8. *Der Minister für Handel und Gewerbe betr. Arbeitszeit in Spinnereien, Webereien und Wirkereien.* Vom 16. August 1915. (H.M.Bl., S. 212.)  
The Minister of Commerce and Industry respecting hours of work in spinning, weaving and hosiery mills. Dated 16th August, 1915.

## II. Austria-Hungary

### HUNGARY.

The Official Gazette (Amtsblatt) of 7th January, 1915, contains the Notification No. 913-915 of the Hungarian Minister of Commerce, publishing the maximum prices for wheat, rye, barley and maize and for flour madd from those cereals, fixed in accordance with the Order of the Hungarian Ministry, No. 8682-914, of 28th November, 1914 (Text "Handelsmuseum," Vienna, 1914, 563). Cf. the Orders of 20th January, 1915 (Text "Handelsmuseum," 1915, 46); 8th February, 1915 (*ib.* 93); 31st March, 1915 (*ib.* 209); 24th June, 1915 (*ib.* 379).

The Official Gazette of 17th June, 1915, contains a Government Order respecting the commandeering of the crops of wheat, rye, barley and oats of the year 1915, and respecting the prospects of the War Production Company which the Government proposed to establish, as well as the invitation to take shares issued by this undertaking (Text "Handelsmuseum" 1915, 366). Cf. the Order of 15th July, 1915 (Text "Handelsmuseum" 1915, 430).

## III. Belgium

*Verordnung betr. Festsetzung von Preisen für Lebensmittel.* Vom 31. Dezember 1914 (Gesetz- und Verordnungsblatt für die okkupierten Gebiete Belgiens, Nr. 28, vom 7. Januar 1915, S. 95.)

Order respecting the fixing of prices for articles of consumption. Dated 31st December, 1914.

The Order of the King of the Belgians respecting the fixing of prices for articles of consumption, dated 14th August, 1914,\* is hereby repealed.

The Military governors are authorised to fix maximum prices for the whole territory under their command or for parts of the same.

## IV. France

1. *Decrét du 24 novembre 1914, ajournant après la cessation des hostilités les élections des membres des conseils de prud'hommes.* (Bulletin du Ministère du Travail 1915, 47[\*].)

Decree to postpone the election of members of the committees of counsel until after the conclusion of hostilities. Dated 24th November, 1914.

2. *Circulaire du Ministre du Travail, du 7 décembre 1914, adressée aux préfets, concernant la situation des assurés appelés sous les drapeaux par l'ordre de mobilisation.* (Bulletin du Ministère du Travail 1915, 13[\*].)

Circular of the Minister of Labour, addressed to the prefects, concerning the position of insured persons called to the colours by the Mobilisation Order. Dated 7th December, 1914.

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\* Title E.B. X., p. 67, No. 6.



6. *Circulaire du Ministre du Travail aux préfets, en date du 24 décembre 1914, relative à l'application de la loi du 25 février 1914 modifiant la loi du 29 juin 1894 et créant une caisse autonome de retraites des ouvriers mineurs.* (Bulletin du Ministère du Travail, 1915, 6[\*].)

Circular of the Minister of Labour to the prefects, relating to the application of the Act of 25th February, 1914, to amend the Act of 29th June, 1894, and creating an autonomous miners' pensions fund. Dated 24th December, 1914.

7. *Décret du 9 janvier 1915 ajournant les élections des présidents généraux, présidents et vice-présidents des conseils de prud'hommes.* (Bulletin du Ministère du Travail 1915, 47[\*].)

Decree postponing the elections of general presidents, presidents and vice-presidents of the committees of counsel. Dated 9th January, 1915.

8. *Circulaire du Ministre du Travail aux préfets, en date du 12 février 1915, relative à la délivrance du certificat de salubrité prévu par l'article 5 de la loi du 12 avril 1906, sur les habitations à bon marché, pendant la durée de la guerre.* (Bulletin du Ministère du Travail 1915, 8[\*].)

Circular of the Minister of Labour to the prefects, relating to the presentation of the certificates of sanitation contemplated in §5 of the Act of 12th April 1906, respecting cheap dwellings, during the war. Dated 12th February 1915.

9. *Circulaire du Ministre du Travail, du 24 février 1915, adressée aux préfets, relative à l'inscription sur les listes d'assurés des ouvriers et employés des mines et des femmes non salariées des ouvriers mineurs.* (Bulletin du Ministère du Travail 1915, 9[\*].)

Circular of the Minister of Labour addressed to the prefects relating to the entering of workers and employees in mines and the non-wage-earning wives of miners on the lists of insured persons. Dated 24th February, 1915.

10. *Circulaire du Ministre du Commerce et de l'Industrie, en date du 9 mars 1915, relative à l'organisation de l'assistance professionnelle aux blessés (adressée aux préfets).* (Bulletin du Ministère du Travail 1915, 21[\*].)

Circular of the Minister of Commerce and Industry respecting the organisation of trade assistance for the wounded (addressed to the prefects). Dated 9th March, 1915.

[“This is a work of social justice, having the object of giving persons injured in the war the means of earning their independence by work.” The departmental committees on technical instruction are invited to consider this question.]

11. *Circulaire du Ministre du Commerce et de l'Industrie, en date du 9 mars 1915, sur l'organisation de l'assistance professionnelle des blessés (adressée aux directeurs des écoles nationales d'arts et métiers, aux directeurs des écoles pratiques d'industrie.)* (Bulletin du Ministère du Travail 1915, 22[\*].)

Circular of the Minister of Commerce and Industry respecting the organisation of trade assistance for the wounded (addressed to the directors of the national schools of arts and crafts, the directors of the national trade schools and the directors of the practical schools of industry). Dated 9th March, 1915.

[A national school has been established for this object. Branches of the school may be brought under the institutions referred to. The opinions of the directors on the matter are sought.]

9. *Décret du 20 mars 1915, portant nomination d'une commission de la main-d'œuvre agricole.* (Journ. Off. du 21 mars 1915 ; Dalloz IV., 40.)

Decree appointing a commission on agricultural labour. Dated 20th March 1915.

10. *Arrêté ministériel du 23 mars 1915, maintenant les nominations des membres, du président et des présidents de sections de la commission supérieure instituée par la loi du 26 décembre 1914 pour assurer l'application de la loi du 5 août 1914, accordant des allocations journalières aux familles des hommes appelés ou rappelés sous les drapeaux et nommant des membres et un président de section de ladite commission.* (Journ. Off. du 24 mars 1915 ; Dalloz IV., 47.)

Ministerial Decree upholding the appointment of the members, the president and the sectional presidents of the superior commission established by the Act of 26th December, 1914, to ensure the enforcement of the Act of 5th August, 1914, making daily allowances to the families of men called or recalled to the colours and appointing the members and a sectional president of the said commission. Dated 23rd March, 1915.

11. *Circulaire interministérielle du 30 mars 1915, portant modification à la circulaire du 10 octobre 1914 relative à l'application de la législation sur les allocations et majorations dues aux familles nécessiteuses dont les souliens sont sous les drapeaux.* (Journ. Off. du 31 mars 1915 ; Dalloz IV., 78.)

Interministerial Circular to amend the Circular of 10th October, 1914, respecting the enforcement of the law respecting the allowances and increases due to necessitous families whose bread-winners are serving with the colours. Dated 30th March, 1915.

12. *Circulaire ministérielle du 30 mars 1915 relative au paiement des secours d'urgence aux familles des marins de l'Etat, officiers et autres dépendants de la marine, décédés au cours des opérations de guerre.* (Journ. Off. du 2 avril 1915 ; Dalloz IV., 84.)

Ministerial Circular respecting the payment of urgency relief to the families of seamen in the Navy, officers and other persons in the Navy who have died in the course of warlike operations. Dated 30th March, 1915.

13. *Décret du 3 avril 1915, modifiant le décret du 20 mars 1915, relatif à la constitution de la commission de la main-d'œuvre agricole.* (Journ. Off. du 3 avril 1915 ; Dalloz IV., 95.)

Decree to amend the Decree of 20th March, 1915, respecting the constitution of the commission on agricultural labour. Dated 3rd April, 1915.

4. *Circulaire du Ministre du Travail, en date du 7 avril 1915, adressée aux inspecteurs divisionnaires du travail et relative aux salaires payé par les entrepreneurs travaillant pour l'armée.* (Bulletin du Ministère du Travail, 1915, 30[\*].)

Circular of the Minister of Labour, addressed to the divisional inspectors of labour, respecting the wages paid by manufacturers working for the Army. Dated 7th April, 1915.

By a Circular dated 14th November, 1914, I invited you, at the request of the Minister of War, to institute inquiries with a view to ascertaining whether the wages paid to workmen and workwomen by manufacturers working for the Army were not substantially lower than the normal wages current in the district.

In asking you to continue these inquiries, I think it well to draw your attention to the provisions of the Decree of 10th August, 1899, respecting conditions of work under contracts entered upon on behalf of the State, and in pursuance of which the contracts ought to contain the manufacturer's undertaking to "pay to the workers a normal wage, equal, for each trade and within each trade for each class of worker, to the rate current in the town or the district where the work is performed" §1 (3). Schedules giving these wages should be appended to the contract and affixed in the workrooms where the work is performed (§3, par. 4).

It is consequently important not to lose sight of the fact that the Decree referred to forms the legal basis for the inquiries which you are required to institute, and provides in §§4 and 5 the necessary rules for enforcement, applicable to contractors who contravene these provisions.

Consequently your duty is not limited to ascertaining the amounts of the wages actually paid. You are required, in addition, to assure yourself that the clause respecting the normal current wage is contained in the contract, that the schedule of wages is appended, and, if so, that the scale is affixed in the workroom and that the actual wages are not lower than those named on the said scale.

In this connection, if the manufacturer refuses to give you access to the copy of the contract in his possession, it will always be possible for you to refer to it through the local office of the military supplies department (Intendance), and even to ascertain, in this manner, the names and addresses of the manufacturers with whom contracts have been concluded.

Since the first inquiries have revealed the fact that the abuses were generally due to sub-contractors, I draw your attention to §2, 1st paragraph, of the Decree of 10th August, 1899, referred to above, in pursuance of which "the manufacturer shall not give out any part of the work undertaken to sub-contractors, without procuring the express sanction of the administration and subject to the condition that he shall remain personally responsible, both to the administration and to the workers and third parties."

It results, in particular, from these provisions, in the first place that sub-contracting needs to be sanctioned by the military authorities; secondly, that the persons employed by sub-contractors should benefit by the wages clauses in the contract, since the principal manufacturer remains "responsible to the workers," and hence that the law may be enforced against him, independently of the future exclusion of the sub-contractor.

You will find appended to the present Circular (of which I am forwarding to you a number equal to that of your departmental inspectors actually on duty) a publication containing the Decree of 10th August, 1899, respecting contracts



entered upon on behalf of the State, the general instructions and the Circular of 14th May respecting the application of the said Decree.

15. *Loi du 9 avril 1915, ayant pour objet : (1) d'étendre aux familles des victimes civiles de la guerre le bénéfice des allocations instituées par la loi du 5 août 1914 ; (2) de régler la situation des allocataires qui peuvent prétendre à pension. (Journ. Off. du 10 août 1915 ; Dalloz IV., 135 ; Bulletin du Ministère du Travail, 1915, 25.[\*])*

Act (1) to extend to the families of civilian victims of the war the benefit of the allowances instituted by the Act of 5th August, 1914 ; (2) to regulate the position of persons receiving allowances who may have a claim to a pension. Dated 9th April, 1915.

1. The benefits of the Act of 5th August, 1914, shall extend to all necessitous families the indispensable bread-winner of which is killed or taken prisoner in the course of military occurrences, or who, being in enemy territory at the time when hostilities were in progress, is kept as a prisoner.

They shall likewise extend to the necessitous families of merchant seamen who have lost their wages as a result of the capture or destruction of their ships, in respect of the period included between the date of the said capture or destruction and that of their debarcation at a French port.

2. In case of death and where the death would give rise to a claim to a pension at the charge of the State, the departments, colonies or protectorates, communes or public institutions, for the benefit of the members of the family, the latter shall not be entitled to benefit from the said pension in addition to the allowance acquired in pursuance either of the Act of 5th August, 1914, or of the present Act.

The right to a pension shall accrue and the pension shall be liquidated from the day following the death. But no arrears shall be paid until the cessation of the allowances.

If the persons concerned exercise their option in favour of the system of pensions they may, notwithstanding, receive an allowance, as an advance, up to the day when their pension is liquidated. These advances shall be set off against the first arrears received.

If the pension is not payable out of the public Treasury, the corporation or institution by whom it is payable shall reimburse to the State a sum equal to the amount of the suspensory arrears paid, or to the allowances made as advances, according as the amount of the allowance was greater or less than that of the pension.

3. The provisions of the preceding Section shall apply to pensions, a claim to which has been made previously to the promulgation of the present Act.

16. *Décret du 9 avril 1915, suspendant, pendant la durée des hostilités, certaines dispositions du règlement des retraites du personnel des chemins de fer de l'Etat. (Journ. Off. du 15 avril 1915 ; Dalloz IV., 136.)*

Decree to suspend during hostilities certain provisions of the regulations respecting the pensions of the staffs of State railways. (Dated 9th April, 1915.)

7. *Loi du 10 avril 1915, ayant pour objet la régularisation : (1) du décret du 24 novembre 1914, relatif à l'ajournement des élections des membres des conseils de prud'hommes ; (2) du décret du 9 janvier 1915, relatif à l'ajournement des élections des présidents généraux, présidents et vice-présidents des conseils de prud'hommes. (Journ. Off. du 13 avril 1915 ; Dalloz IV., 147.)*

Act to regularise (1) the Decree of 24th November, 1914, respecting the postponement of the elections of the members of the Committees of Counsel ; (2) the Decree of 9th January, 1915, respecting the postponement of the election of the general presidents, presidents and vice-presidents of committees of counsel. Dated 10th April, 1915.

8. *Arrêté ministériel du 10 avril 1915, nommant des membres de la commission de la main-d'œuvre agricole. (Journ. Off. du 13 avril 1915 ; Dalloz IV., 150.)*

Ministerial Decree appointing the members of the Commission on agricultural labour. Dated 10th April, 1915.)

9. *Arrêté ministériel du 24 avril 1915, nommant des membres de la commission supérieure chargée du statuer sur les recours et réclamations formés en matière d'allocations journalières aux familles dont les soutiens sont appelés sous les drapeaux. (Journ. Off. du 25 avril, 1915 ; Dalloz IV., 218.)*

Ministerial Decree appointing the members of the superior commission having the duty of deciding on claims and appeals lodged in connection with the daily allowances made to families whose bread-winners have been called to the colours. Dated 24th April, 1915.

20. *Circulaire du Ministre du Travail, en date du 24 avril, 1915, adressée aux Inspecteurs Divisionnaires du Travail et relative aux salaires payés par les entrepreneurs travaillant pour l'armée. (Bulletin du Ministère du Travail 1915, 30[\*].)*

Circular of the Minister of Labour, addressed to the Divisional Inspectors of Labour, relating to the wages paid by manufacturers working for the Army. Dated 24th April, 1915.

In the course of their inquiries made at the request of the Minister of War, the inspectors of labour, although they ascertained that the wages paid by certain manufacturers, and especially certain sub-contractors working for the army were inadequate, sometimes found it impossible to establish judicially that the wages were lower than the usual rate in the trade. As a result of communications sent to them on this matter, various local offices of the military supplies department (Intendance) have taken steps which may be summarised as follows :—

(1) They have had no further dealings with contractors against whom the most serious charges have been raised ;

(2) All the contracts have been made to refer to the provisions both of §2 of the Decree of 10th August, 1899, and of the statutory Decree of 2nd March, 1848, to the effect that all contraventions proved may involve the cancelling of the contract at the expense of the contractor.

(3) All persons benefiting by current contracts have been reminded of the said provisions by a circular ;

(4) Tenders have only been accepted from persons who, in view of their trade, standing and the plant in their possession, are in a position to ensure the observance of the proposed contract on their own initiative and under their personal supervision ;

(5) The inspectors of labour, in agreement with the military supplies department (Intendance) and in conformity with the instructions issued jointly by the Ministers of War and of Labour, have exercised close supervision with a view to protecting the workers from the risk of exploitation.

I should be very much obliged to you if you would ascertain, as far as possible, what similar measures may have been adopted in your district by the local offices of the military supplies department as a result of your intervention, and to inform me of such measures, if any.

21. *Circulaire Ministerielle du 3 mai 1915, relative à l'application de la loi du 9 avril 1915 (allocations aux familles nécessiteuses des marins et du commerce, dont le navire a été capturé ou détruit par l'ennemi).* (Journ. Off. du 4 mai 1915 ; Dalloz IV., 235.)

Ministerial Circular relating to the application of the Act of 9th April, 1915 (allowances to the necessitous families of merchant seamen whose ships have been captured or destroyed by the enemy). Dated 3rd May, 1915.

22. *Circulaire du Ministre du Travail, en date du 5 mai 1915, adressée aux préfets, et relative aux retraits des allocations de chômage pour cause d'ivrognerie.* (Bulletin du Ministère du Travail 1915, 31.[\*])

Circular of the Minister of Labour, addressed to the Prefects, relating to the withdrawal of unemployment benefits by reason of drunkenness. Dated 5th May, 1915.

23. *Loi du 28 mai 1915, tendant à faciliter l'exécution des travaux publics pendant la durée des hostilités.* (Journ. Off. du 30 mai 1915 ; Dalloz IV., 281.)

Act to facilitate the execution of public works during hostilities. Dated 28th May, 1915.

24. *Circulaire ministérielle du 31 mai 1915, relative aux conditions dans lesquelles les assurés de la loi des retraites, originaires ou réfugiés des Départements envahis, peuvent obtenir la liquidation de leurs pensions ou le paiement de leurs arrérages.* (Journ. Off. du 2 juin 1915 ; Dalloz V., 22.)

Ministerial circular respecting the conditions under which persons insured under the Pensions Act, being domiciled in, or refugees from, the invaded departments, may obtain the liquidation of their pensions or the payment of their arrears. Dated 31st March, 1915.

25. *Circulaire du Ministre du Travail en date du 1 juin 1915, adressée aux préfets et relative à l'apprentissage et au placement des jeunes gens de 13 à 18 ans.* (Bulletin du Ministère du Travail 1915, 31.[\*])

Circular of the Minister of Labour addressed to the prefects relating to the apprenticing and placing of young persons of from 13 to 18 years of age. Dated 1st June, 1915.



Since the outbreak of hostilities my Department has been concerning itself with the position of young persons of from 13 to 18 years of age who, as a result of the closing of shops and workshops, have found themselves without employment, left to their own devices, and deprived of all technical guidance, though, when the war is over, national industry will have more need than ever of skilled workers.

In order to obviate, as far as possible, the serious effects of such a situation, prolonged, I referred the question to the permanent Commission of the Superior Labour Council, in order that it might consider ways and means of employing these young persons during a part at least of the day and of assisting them to continue their trade training.

After having conducted an inquiry amongst the trade organisations (chambres syndicales) of Paris and the committees for the assistance of apprentices, the permanent Commission, at sittings on 30th September and 25th November, 1914, issued a series of recommendations from which I extract the following :

"The permanent Commission of the Superior Labour Council recommends :

"That young persons under 18 years of age should continue their school studies or be employed in industrial or commercial establishments, or else attend trade courses during the day. Parents should be informed that the increase in benefit of 50c. per day, provided for in the system of unemployment benefit may be cancelled if, through their fault, an unemployed child fails to attend either school or apprenticeship courses.

"That the investigators of the Labour Office should approach the trade organisations of the various industries with a view to their organising trade courses and works suitable for young persons of from 13 to 18 years of age."

The permanent Commission has adopted, in addition, various other recommendations to the effect : that certain State works, especially in the engineering trade, should be allocated to small undertakings in order to assist small and medium-sized workshops and thus enable them to train apprentices ; that courses preliminary to apprenticeship should be arranged, through the agency of the apprenticeship committees, in available workshops, employers being pressed, if they have an unused implement to make an effort to employ young persons a few hours a day ; that employers working for the State should be asked to employ young persons in their workshops ; that State factories and workshops which do not ordinarily take apprentices should be authorised to take young persons of from 13 to 18 years of age during the war.

I have caused these recommendations to be transmitted to the various ministerial departments concerned and the latter have endeavoured to satisfy them.

On the other hand, in compliance with the recommendations of the permanent Commission, I have instructed the officials of my Department—investigators of the Labour Office and inspectors of labour—to get into touch with the committees for the assistance of apprentices, with the trade organisations, both of employers and workers, with the school and trade courses, as well as with all other organisations likely to be able to co-operate effectively in the work to be done.

As far as Paris is concerned, satisfactory results have been obtained for certain industries and in a certain number of districts. I must note especially the successful efforts made by several trade organisations, both of employers and workers, which have instituted practical and theoretical courses, especially

in the building trades, bronze work, the jewellery trade, the furniture trades etc. The committees for the assistance of apprentices or similar bodies, as well as certain institutions due to private initiative, have, for their part, worked actively in placing young persons and arranging instruction preliminary to apprenticeship. While some of these committees have organised trade courses for girls, others have succeeded in placing young workers with employers in the district in order to work a few hours a day, and to receive technical instruction during the rest of the time, while remaining under their constant and effective supervision. In the 13th and 20th districts, the committees have thought well—as has been done, moreover, by the workers' furniture trade school—to present to the public, in recent exhibitions, numerous examples of work done by their apprentices and to prove in this way the excellence of the instruction given.

On the other hand, certain joint commissions, the organisation of which I called for in my circular of 5th February last, have not failed to concern themselves with this same question. The commission of the department of the Aube, in particular, in its sitting of 2nd May last, adopted a recommendation in favour of the organisation, by the manufacturers of Troyes, of an apprenticeship workshop. This institution, subsidised, if possible, by the municipality, would be under the direction of an engineer and work in collaboration with working-class teachers chosen by mutual agreement by the employers and a workers' committee. At the end of each year, the articles made would be sold and the proceeds distributed in proportion to the qualifications of each apprentice, after deducting the cost of raw materials and administration.

In notifying you of these successful attempts, I will call your attention, especially to the preponderant part which should be played in the apprenticing and placing of unemployed young workers either by the mixed commissions first referred to or by the committees for the assistance of apprentices established by §§117, 118 and 119 of Book II. of the Code of Labour, the object of which is: (1) to protect apprentices and children employed in industry (2) to develop their trade training.

Without insisting further upon the importance, from the national and social point of view, of providing that the majority of young persons of both sexes shall not remain unoccupied and upon the urgent necessity of putting them in the way of becoming the workers of the future, I shall be obliged if you will be so good as to inform me what measures have been taken in your department.

26. *Loi du 2 juin 1915, portant extension aux colonies françaises de la loi du 5 août 1914, accordant, pendant la durée de la guerre, des allocations aux familles nécessiteuses dont la soutiens serait appelé ou rappelé sous les drapeaux.* (Journ. Off. du 4 juin 1915; Dalloz V., 30; Bulletin du Ministère du Travail 1915, 26.[\*])

Act to extend to the French Colonies the Act of 5th August, 1914, granting allowances, during the war, to necessitous families whose bread-winners have been called or recalled to the Colours. Dated 2nd June, 1915.

SOLE SECTION.—The provisions of the Decree of 15th September, 1914, respecting the granting of allowances during the war to necessitous families whose bread-winners have been called or recalled to the Colours, are ratified.

27. *Circulaire du Ministre du Travail, en date du 2 juin 1915, adressée aux inspecteurs divisionnaires du travail sur la marche à suivre pour les enquêtes effectuées à la suite de plaintes en matière de salaires payés pour la confection, à domicile, d'articles faisant l'objet de marchés de l'Etat.* (Bulletin du Ministère du Travail 1915, 33[\*].)

Circular of the Minister of Labour addressed to the divisional inspectors of labour on the course to be pursued in inquiries undertaken as a result of complaints in the matter of wages paid for the making, in the workers' homes, of articles forming the object of State contracts. Dated 2nd June, 1915.

I have the honour to give you the appended instructions on the course to be pursued in inquiries undertaken in the matter of the wages paid to workmen and workwomen making, in their own homes, articles forming the object of State contracts.

These instructions are supplementary to those included in my Circular of 7th April, 1915.

I draw your attention, in addition, to the fact that it will be useful in order to facilitate your inquiries to keep and classify all the wages and scales adopted by the military supplies department (Intendance), either standard or current, which may be brought to your notice. This information may, moreover, prove very useful in connection with the administration of the Act respecting minimum wages for women home-workers in the clothing trade, which seems likely to be adopted shortly.

*Instructions on the course to be pursued in inquiries undertaken as a result of complaints in the matter of wages paid to workmen or workwomen making, in their own homes, articles forming the object of State contracts.* (Cf. Circular of 7th April, 1915.)

Where application is made to the inspecting staff to undertake inquiries in the matter of wages paid to workmen or workwomen making, in their own homes, articles forming the object of State contracts, the inquiries should be conducted on the lines indicated in the following :

#### *I. Information to be Supplied in the Report.*

(a) In the inquiry sufficient data should be collected to enable a table to be drawn up at the end of each report giving the following particulars :

The precise designation of the article ;

The nature of the work ;

The scale of the military supplies department (Intendance) for this work (wages schedule) or, failing this, the normal scale current in the district\* ;

If possible, the hourly earnings under this scale of a workwoman of average skill in the trade ;

The rate paid for the kind of article in question ;†

\* Cf. the Circular of 7th April, 1915, No. 14 on p. 361.

† In order to permit of comparison, the rate paid to the worker ought to be calculated allowing the same charges for requisites as devolve upon her under the scale of the military supplies department. The gross rate paid to the worker should, consequently, be rectified when she has to pay for supplementary requisites or when certain requisites, which ought to be at her expense in accordance with the said scale, are remitted to her by the contractor.

‡ In stating the hourly wage, two figures should, where appropriate, be given : (a) without deducting the requisites chargeable to the worker ; (b) after deduction of the same (net earnings).



The time taken by the woman worker (or workers) in question in making the article included in the scale ;

The hourly earnings of the woman worker in question ;†

The name of the person in whose name the contract stands, and also of the sub-contractor or sub-contractors, if any, down to the one giving the work to the worker.

(b) It will be of interest, where possible and where the investigation would not require too much time, to indicate the successive prices at which the sub-contractors have passed on the making of the articles.

Where it is not possible to carry the inquiry up to the person in whose name the contract stands, it will only be feasible to note the wages actually encountered ; this should be done both in view of the statistics of wages which will be drawn up, thanks to the data provided by the inquiries, and also with the object of facilitating any later inquiries.

## II. *Work of Inspection.*

All inquiries revealing an abuse should, where it is possible to ascertain the name of the person who concluded the contract, result in the local office of the military supplies department who adopted the contract being approached unless the inspectors are able to secure the removal of the abuse by amicable means.

The object of approaching the supplies department will be to draw attention to the exact facts and enable action to be taken, if necessary.

If the clauses contemplated in the Decree of 10th August, 1899, have been inserted in the contract and if a schedule stating the normal current wage is appended, the supplies department may actually apply the measures for enforcing observance laid down in §§4 and 5 of the Decree.

Even if provision has not been made in the contract for the application of the Decree of 1899, or if no schedule of current wages has been appended, it will be useful to communicate the results of the inquiry to the supplies department. In a certain number of cases the supplies department has actually decided not to accept in future contracts with contractors responsible for striking abuses (wages clearly lower than current wages, etc.).

### 28. *Circulaire du Ministre de la Guerre, en date du 5 juin 1915, relative aux clauses à insérer dans les cahiers des charges en attendant le retour de l'application intégrale du décret du 10 août 1899. (Bulletin du Ministère du Travail 1915, 45[\*].)*

Circular of the Minister of War relating to the clauses to be inserted in contracts pending the re-application of the Decree of 10th August, 1899, in its entirety. Dated 5th June, 1915.

In view of the necessity felt by the War Office of reducing strictly to a minimum the formalities prescribed for the adoption of contracts, certain departments have been led to make use of the authority given in §28 of the Decree of 18th November, 1882, and to delegate wide powers in this matter to all the local offices. It has consequently happened very frequently that, by reason of urgency, the contracts adopted since the mobilisation have not complied with the provisions of the Decree of 10th August, 1899.

After a re-examination of the question, it does not appear to be possible even at the present time, to enforce the provisions of the Decree of 10th August, 1899, universally so as to affect all works and supplies without exception, which would at once tend to obstruct the due fulfilment of arrangements for the supply

of materials. But it is certainly desirable, and all administrative bodies should make every effort to ensure that the said provisions are applied in all contracts where this is possible without affecting the rapid supply of the necessities of national defence.

In contracts for works of construction and maintenance, it does not appear that the application of the Decree of 10th August, 1899, should present any difficulties.

As regards contracts for supplies, it appears from reports received by the Central Administration that, in a large number of places, it has been possible to adopt effective measures of protection in the interests of the workers by securing the collaboration either of the inspectors of labour or of the prefects and mayors.

With this idea in mind, it appears desirable to indicate precisely the clauses of the Decree of 10th August, 1899, which ought, in future and for so long as hostilities continue, to be inserted in contracts adopted by the War Office subject to any adaptations or modifications that may be necessary.

It should be remembered, in this connection, that the rules for applying the Decree of 10th August, 1899, should be laid down in each contract.

*(a) Weekly Rest ; Employment of Foreign Workers ; Duration of the Working Day.*

It results from instructions issued by the Minister of Labour to the inspectors of labour (Circulars of the 2nd, 5th and 14th August, 1914) that, in the prevailing circumstances, the inspectors should endeavour, before all, to assist in maintaining the greatest possible intensity of national activity and that, as regards the enforcement of the labour laws, the greatest latitude should everywhere be allowed in order to promote output. Official reports of contraventions should only be drawn up after warning and in exceptional cases where an employer, in spite of the warning, continues practices likely to injure the health of his workers.

Manufacturers and military supply contractors should thus be treated, from these different points of view, in accordance with the common law.

Notwithstanding, it having been admitted in the course of meetings of manufacturers held at the War Office, that a day of rest should be allowed every fortnight to the workers employed by them, a special clause should be inserted in the contracts in order to ensure the observance of this decision.

*(b) Wages.*

On this point it is well to require the application of the Decree of 10th August, 1899, wherever possible, or at least to insert in the contracts a clause requiring the contractor to pay to his workers a wage equal to the normal wage current in the district.

Where the urgency of the work makes it impossible to conform to the formalities prescribed in the Decree as regards the drawing up of a schedule of wages, it should be stipulated that the wages will be fixed definitely, and without appeal, by the local directors who should, in this case, proceed to procure full information affecting the question by applying, especially, to the inspectors of labour, the prefects and the mayors. In contracts for articles to be manufactured, the payment of a minimum price per piece should be required of the contractor, wherever there exists, in the place where the contract will be performed, a well-defined scale currently applied for work by the piece or the job.

If no piece-work scale satisfying these conditions is in existence, it will only be possible, according to the rules applicable in times of peace, to enforce a minimum hourly or daily wage, coupled with the requirement that the wage earned on an average by a worker, working by the piece in a given time and under normal conditions, shall not be less than the minimum wage fixed in the contract.

On the other hand, the contracts should provide that, if the administration detects any divergence between the wages paid to the workers and the current wages determined in the manner indicated above, the workers affected shall be directly indemnified by means of deductions made from the sums due to the contractor and from his guarantee deposit.

The contractors should be prohibited by a special clause from transferring or sub-contracting all or part of their contract without the sanction of the Minister or his representative.

The observance of these provisions should be required both in respect of military persons placed at the disposal of manufacturers working for the national defence and of civil workers, subject to the penalties attached, in a general way, to all violations of a clause of the contract.

The directors and departments of the Central Administration are requested to supervise the observance of the preceding instructions, which should be followed, pending the reapplication of the Decree of 10th August, 1899, in its entirety, in all contracts where, in ordinary times, the insertion of clauses concerning conditions of work is obligatory.

Notice of these provisions has been given to the Minister of Labour, who will himself inform his inspectors of labour of them.

29. *Circulaire ministérielle du 12 juin 1915, concernant l'application, dans certains cas, aux agents et ouvriers de l'Etat et aux militaires maintenus dans les établissements de guerre ou dans les usines de l'industrie civile de la loi du 5 août 1914, relative aux allocations et majorations dues aux familles nécessiteuses dont les soutiens sont sous les drapeaux.* (Bulletin Min. Guerre, P.P., p. 389; Dalloz V., 75.)

Ministerial circular respecting the application in certain cases to State employees and workers and to military persons retained in military establishments or in workshops in civil industry, of the Act of 5th August, 1914, respecting the allowances and increases payable to necessitous families whose bread-winners are with the Colours. Dated 12th June, 1915.

30. *Circulaire ministérielle du 25 juin 1915, réglant la situation au point de vue des accidents de travail, des ouvriers employés dans les établissements militaires ou mis à la disposition des industriels en vue d'assurer la marche des services et la continuité des fabrications du matériel de toute nature nécessaire à la défense nationale.* (Dalloz V., III.)

Ministerial circular regulating the position, as regards industrial accidents, of workers employed in military establishments or placed at the disposal of manufacturers in order to ensure the progress of the work and continuity in the manufacture of material of all kinds necessary for national defence. Dated 25th June, 1915.



31. *Circulaire ministérielle du 13 juin 1915, concernant les sursis et permissions aux maréchaux-ferrants, forgerons et mécaniciens-réparateurs de machines agricoles.* (Journ. off. du 17 juillet 1915 ; Dalloz V., 166.)

Ministerial circular concerning exemptions and leave for farriers, blacksmiths and repairing engineers for agricultural machines. Dated 13th June, 1915.

32. *Circulaire ministérielle du 20 juillet 1915, au sujet des sursis, des permissions et des équipes pour les travaux de battage (suite à la circulaire du 13 juillet).* (Journ. off. du 22 juillet 1915 ; Dalloz V., 202.)

Ministerial Circular on the matter of exemptions, leave and gangs for threshing operations (supplementary to the Circular of 13th July). Dated 20th July, 1915.

[EXTRACTS.]

II.—*Shifts of Military Persons and Prisoners.*

The circulars of the Minister of War, dated 7th, 14th, 26th and 30th June, respecting the organisation of agricultural gangs, consisting of military persons, shall apply to threshing operations.

On the other hand, the Minister of War, on being consulted, has informed me that there appears to be nothing against gangs of 20 prisoners each, arranged for agricultural work, being employed not only in bringing in, but also in threshing the harvest, it being understood that, in order to avoid accidents, the control of the machines must always remain entrusted to trained persons.

In order to form these gangs of military persons or prisoners, you should make arrangements, in advance, with the General Officers Commanding the districts, in accordance with the rule applying up to the present.

33. *Loi du 17 août 1915, assurant la juste répartition et une meilleure utilisation des hommes mobilisés ou mobilisables.* (Journ. off. du 19 août 1915 ; Dalloz V., supplément.) (Loi Dalbiez.)

Act to ensure the fair distribution and the better utilisation of men mobilised or liable to be mobilised. Dated 17th August, 1915.

[EXTRACT.]

6. The Minister of War is authorised to allocate to undertakings, factories and works, engaged in work for the national defence, men belonging to one of the classes that are mobilised or are liable to be mobilised, being heads of undertakings, engineers, manufacturers, foremen or workers, and who prove that they have carried on their trade for at least one year either in the said undertakings, factories and works, or in similar undertakings, factories and works. In the case of mining works the time limit shall be reduced to six months.

Men satisfying the above conditions shall present to the military authority declaration signed by themselves, stating the time during which they have carried on their trade and the undertakings, factories and works in which they did so.

Workmen coming under the conditions laid down in the first paragraph of this Section shall be chosen for preference from amongst the men in the auxiliary service, and, failing them, from amongst the territorial reservists and territorials, beginning with the fathers of the largest families and with the eldest classes.

As a transitory measure, men who, without satisfying the conditions laid down in the first paragraph are, at present, detailed to work in undertakings, factories and works engaged in work for the national defence, may be retained there, if, within a period not exceeding two months, a commission, set up in each district and consisting of an equal number of employers and workers, presided over by a representative of the Minister of War or the Minister of Marine, has recommended that they should be so retained.

In the case of mining works, the commission set up in the district of each mine shall be presided over by the chief mining engineer. It shall consist half of employers and half of working miners. The miners' delegate or his substitute shall serve *ex officio*.

In the case of the invaded districts, the recommendation shall be issued by the military mining commission, to which there shall be added one workman and one employer.

The men contemplated in the preceding paragraphs shall remain at the disposal of the Minister of War.

They shall be subject to the conditions and obligations prescribed in paragraphs 3 and 6 of §42 of the Act of 21st March, 1905. The Decree of 10th August, 1899, respecting conditions of work under contracts entered into on behalf of the State shall apply with force of law as regards their wages.

## V. Great Britain and Ireland

1. Royal Warrant as to employment of soldiers in civil occupations. 11th May, 1915. (Manual Suppl.\* No. 4, p. 80.)

[During their temporary employment in munitions work soldiers retain all their rights and those of their dependants. But they receive no Army pay except when their civil earnings are lower.]

2. An Act to facilitate the early provision of dwellings, etc., for, and for the convenience of, persons employed by or on behalf of the Admiralty at Rosyth Dockyard. 19th May, 1915. (Manual Suppl. No. 4, p. 13.)

3. Royal Warrant as to Disability Pensions for Soldiers. 21st May, 1915. (Manual Suppl. No. 4, p. 81.)

[Pensions may be granted for disabled European soldiers as follows :— For total incapacity : Privates 25s., Officers 27s.-40s. per week ; for partial incapacity a pension which will, with his wages, amount to the above rate, a further allowance of 2s. 6d. a week for each child under 16 years. These allowances may be continued beyond the age of 16 in the case of apprentices receiving not more than nominal wages, or of children being educated at secondary schools, technical schools or universities. Granted as from 1st March, 1915.]

4. Royal Warrant as to pensions for Widows and Children of Soldiers. 21st May, 1915. (Manual Suppl. No. 4, p. 100.)

\* Manual of Emergency Legislation (edited by ALEXANDER PULLING) ; Supplement No. 4 to 31st, August, 1915. London, September, 1915 (Wyman ; price 2s. 6d.). For Orders under the National Insurance Act see Manual Suppl. No. 4, pp. 353-357, 402.

Whereas we deem it expedient to make further provision for the pensions of widows and children of British warrant officers, non-commissioned officers, and men whose death results from the present war.

Our Will and Pledge is that :—

1. The widows and children of such warrant officers, non-commissioned officers and men may be granted pensions at the following rates, in lieu of the special rates laid down in Article 788 of Our Warrant of the 1st December, 1914, for the pay, appointment, promotion and non-effective pay of our Army and of the rates laid down in Article 1248 :—

	Under 36 Years.	Age 35 but Under 45.	Age 45 or Over.
OFFICER—	Yearly.	Yearly.	Yearly.
Class I. . . . .	£35	£42	£48
N.C.O.—	Weekly. s. d.	Weekly. s. d.	Weekly. s. d.
Class II. or Class I. . . . .	12 0	14 6	17 0
Class II. . . . .	14 6	14 0	16 6
Class III. . . . .	11 0	13 6	16 0
Class IV. . . . .	10 6	13 0	15 6
PRIVATES, ETC.—			
Class V. . . . .	10 0	12 6	15 0

Pensions to children (including those born before wedlock) may be granted as follows :—5s. a week for the first child, 3s. 6d. a week for the second child, and 2s. a week for each child beyond two.

2. In the event of the children being motherless, or if the mother has forfeited her pension through misconduct and the children are removed from her control, a pension of 5s. a week may be granted to each child.

3. The widow of a non-commissioned officer or man may be granted on re-marriage a gratuity equal to two years' pension, payable either in one sum or in instalments at the discretion of Our Army Council.

4. The payments of pensions to children may in all cases be continued to the age of 16, and may be continued above that age on the recommendation of the Local Education Authority in the cases of apprentices receiving not more than nominal wages or of children being educated at secondary schools, technical schools or universities.

5. The rates of pension provided in this Our Warrant shall come into force as from the 1st March, 1915.

6. Existing regulations relative to pensions for the widows and children of warrant officers, non-commissioned officers and men shall, so far as they are not affected by this Our Warrant, remain in force.

5. Order in Council approving a Scheme under the Injuries in War (Compensation) Act, 1914, and the Injuries in War Compensation Act, 1914 (Session 2), and applying, as from 3rd August, 1914, to all officers and men of Fleet Auxiliaries (other than ranks and ratings in receipt of Naval pay), and to officers and men of the War Department Examination Service and other persons employed afloat (whether directly or indirectly) by or under the Admiralty or Army Council, and to the Dependents of such Persons. 27th May, 1915. (Manual Suppl. No. 4, p. 258.)



6. Order in Council further amending the Defence of the Realm (Consolidation) Regulations, 1914. 2nd June, 1915. (Manual Suppl. No. 4, p. 122.)

[EXTRACT.]

The following Regulation shall be inserted :

39A. If a seaman lawfully engaged in accordance with the Merchant Shipping Acts, 1894 to 1914, to serve on board any British ship belonging to or chartered or requisitioned by the Admiralty (a) neglects or refuses, without reasonable cause to join his ship, or to proceed to sea in his ship, or deserts or is absent without leave from his ship, or from his duty at any time ; or (b) joins his ship in a state of drunkenness, he shall be guilty of an offence and may with assistance be conveyed on board.

7. An Act for establishing, in connection with the present War, a Ministry of Munitions of War, and for purposes incidental thereto (Chapter 51). 9th June, 1915. (Manual Suppl. No. 4, p. 14.)

8. Order in Council further amending the Defence of the Realm (Consolidation) Regulations, 1914. 10th June, 1915. (Manual Suppl. No. 4, p. 14.)

[EXTRACT.]

1. After Regulation 6 the following Regulation shall be inserted :

6A. The power of the Secretary of State under §150 of the Factory and Workshop Act, 1901, by order, to the extent and during the period named by him, to exempt from that Act, in case of any public emergency, any factory or workshop belonging to the Crown, or any factory or workshop in respect of work which is being done on behalf of the Crown, shall extend to any factory or workshop in which the Secretary of State is satisfied that, by reason of the loss of men through enlistment or transference to Government service, or of other circumstances arising out of the present war, exemption is necessary to secure the carrying on of work which is required in the national interest.

9. An Act to amend the Army Act (Chap. 58). 2nd July, 1915. (Manual Suppl. No. 4, p. 32.)

[Extends §141 of the Army Act (which prohibits the assignment of pay and other allowances) to the allowances to wives and dependants of officers and soldiers—Sub-section (g) of §156 (which restricts the pledging of identity certificates by persons entitled to military pensions, etc.) extended to separation or other allowances.]

10. Order in Council further amending the Defence of the Realm (Consolidation) Regulations, 1914. 6th July, 1915. (Manual Suppl. No. 4, p. 131.)

[EXTRACT.]

1. For paragraph (b) of Regulation 8A the following paragraph shall be substituted :

The Admiralty or the Army Council are empowered :—

(b) to regulate or restrict the carrying on of any work in any factory, workshop or other premises, or the engagement or employment of any workman or all or any classes of workmen therein, or to remove the

plant therefrom with a view to maintaining or increasing the production of munitions in other factories, workshops or premises, or to regulate or control the supply of metals and material that may be required for any articles for use in war.

2. After Regulation 10, the following Regulation shall be inserted :—

10A. Where the competent naval or military authority has control of any dock premises, he may prohibit any person from bringing into or having in his possession within those premises, any intoxicating liquor.

- 11.** The Munitions (Ordering of Work) Regulations (Scotland), 1915, dated 8th July, 1915, made by the Minister of Munitions under §4 (5) of the Munitions of War Act, 1915, with respect to the General Ordering of the Work in a Controlled Establishment in Scotland. 8th July, 1915. (Manual Suppl. No. 4, p. 322.)

[See the Regulations of 14th July, 1915, No. 15 ; date of coming into force, 12th July, 1915.]

- 12.** The Munitions Tribunals (Provisional) Rules, 1915, dated 12th July, 1915, for Constituting and Regulating Munitions Tribunals in England and Wales, made in pursuance of §15 of the Munition of War Act, 1915, by a Secretary of State as far as relates to offences, and by the Minister of Munitions as far as relates to other matters. 12th July, 1915. (Manual Suppl. No. 4, p. 329.)

- 13.** Proclamation applying Part I. of the Munitions of War Act, 1915, to a difference in the Coal Mining Industry of South Wales. 13th July, 1915. (Manual Suppl. No. 4, p. 325.)

- 14.** Order made by the Minister of Munitions applying §7 of the Munitions of War Act, 1915, to a certain class of establishments. 14th July, 1915. (Manual Suppl. No. 4, p. 234.)

In pursuance of the power conferred upon me by §7, Sub-section 1, of the Munitions of War Act, 1915, I hereby make the following Order :—

The provisions of §7 of the Munitions of War Act, 1915 (which relate to the prohibition of the employment of persons who have left work in munitions factories) shall apply to the following class of establishments :—

Any establishment being a factory or workshop the business carried on in which consists wholly or mainly in engineering ship-building or the production of arms, ammunition or explosives or of substances required for the production thereof.

- 15.** The Munitions (Ordering of Work) (Provisional) Regulations, 1915, dated 14th July, 1915, made by the Minister of Munitions under §4 (5) of the Munitions of War Act, 1915, with respect to the General Ordering of the Work in a Controlled Establishment in England or Ireland. 14th July, 1915. (Manual Suppl. No. 4, p. 321.)

The Minister of Munitions, in pursuance of §2 of the Rules Publication Act, 1893, hereby certifies that, on account of urgency, it is desirable that the following Regulations should come into immediate operation, and he therefore

in pursuance of the above Section and §4, Sub-section 5, of the Munitions of War Act, 1915, hereby makes the following Regulations to come into operation forthwith as Provisional Rules :—

(1) The owner of any controlled establishment shall, as soon as practicable, post Rules relating to order, discipline, time-keeping and efficiency, conspicuously in his establishment so as to bring them effectively to the knowledge of workmen employed therein. Copies of rules so posted shall be sent to the Minister of Munitions.

(2) Every person employed in the establishment shall comply with any rule so posted; provided that no person shall be liable to a penalty under the Act for failing or refusing to comply with any rule, if the Munitions Tribunal is satisfied that the rule is an unreasonable one, or that the person had just cause for his failure or refusal to comply with it.

(3) These Regulations may be cited as The Munitions (Ordering of Work) Regulation, 1915.

(4) These Regulations shall come into force on the 14th day of July, 1915.

**16.** An Act for the Compilation of a National Register. (Ch. 60.) 15th July, 1915. (Manual Suppl. No. 4, p. 36.)

1. [Register of persons between the ages of 15 and 65.]

2. [Registration Authorities and Districts.]

3. [Duty to compile Register.]

4. [Duty to fill up and register forms.]

(1) For the purpose of enabling such a register to be compiled, it shall be the duty of every such person as aforesaid, within the prescribed time, to fill up and sign a form showing the following particulars :

(a) Name; place of residence; age; whether single, married or widowed; number of dependants (if any), distinguishing wife, children and other dependants; profession or occupation (if any); name and business address of employer (if any) and nature of employer's business; and (in the case of a person born abroad) nationality if not British; and

(b) whether the work on which he is employed is work for or under any Government Department;

(c) whether he is skilled in and able and willing to perform any work other than the work (if any) at which he is at the time employed, and, if so, the nature thereof.

5. [Completion and correction of forms.]

6. [Right to certificate of registration.]

7. [Notification of changes of address.]

8. [Matters to be prescribed by instructions.]

9. [Expenses.]

10. [Duty of employers to furnish information.]

11. [Registration in one area only.]

12. [Exceptions.]

13. [Penalties for offences.]

14. [Application to Scotland.]

15. [Application to Ireland.]

16. [Short title and duration.]



- 7 The Munitions (War Service Badges) (Provisional) Rules, made by the Minister of Munitions under §8 of the Munitions of War Act, 1915. 23rd July, 1915. (Manual Suppl. No. 4, p. 348.)

[Applies to England and Wales.]

- 8 The Munitions Tribunals (Scotland) Rules, 1915, dated 28th July, 1915, for Constituting and Regulating Munitions Tribunals in Scotland made in pursuance of §15 of the Munitions of War Act, 1915, by the Secretary for Scotland as far as relates to Offences, and by the Minister of Munitions as far as relates to Other Matters. 25th July, 1915. (Manual Suppl. No. 4, p. 335.)

- 9 An Act to provide for the limitation of the Price of Coal. (Ch. 75.) 29th July, 1915. (Manual Suppl. No. 4, p. 65.)

(Coal at the pit's mouth not to be sold at a price exceeding by 4s. a ton, the price at which it was sold on the corresponding date between July, 1913—June, 1914.)

- 20 The Munitions Tribunal (Ireland) (Provisional) Rules, 1915, dated 4th August, 1915, for Constituting and Regulating Munitions Tribunals in Ireland, made in pursuance of §15 of the Munitions of War Act, 1915, by the Lord Lieutenant as far as relates to Offences and by the Minister of Munitions as far as relates to Other Matters. 4th August, 1915. (Manual Suppl. No. 4, p. 342.)

- 21 Order in Council under §3 of the Naval and Marine Pay and Pensions Act, 1865, approving Scheme of Pensions for Seamen and Marines discharged owing to Injuries received or Disease contracted on Service during the present War. 12th August, 1915. (Manual Suppl. No. 4, p. 381.)

(For total disablement, 25s. per week, otherwise such pension as with the wages would amount to 25s. altogether, but not less than 10s. 6d. a week if he has lost a limb or the sight of an eye. Additions to pensions in respect of each child under 16 years (not exceeding 2s. 6d. per week). The additions for children may be continued beyond the age of 16 in the case of apprentices or children at school. Pensions and allowances granted as from 1st March, 1915.)

- 22 The Unemployment Book (War) Regulations, 1915, made by the Board of Trade under Part II. of the National Insurance Act, 1911, the National Insurance (Part II. Amendment) Act, 1914, and the National Insurance (Part II. Amendment) Act, 1915. 20th August, 1915.

The Board of Trade, in pursuance of §91 of the National Insurance Act, 1911, hereby make the following Regulations:—

(1) These Regulations may be cited as the Unemployment Book (War) Regulations, 1915, and shall come into force on the date thereof.

(2) If a workman employed in an insured trade, on or in connection with munitions work in any establishment of a class to which the provisions of §7 of the Munitions of War Act, 1915, are applied by Order of the Minister of Munitions leaves work without having obtained a certificate from the employer by whom he was last so employed that he left work with the consent of his employer, or a certificate from the Munitions Tribunal that

such consent was unreasonably withheld, the employer shall forthwith deliver the workman's unemployment book to a local office of the unemployment fund, instead of returning it to the workman as required by Regulation 5 of the Unemployment Insurance Regulations, 1912.

## Va. British Colonies

### I. COMMONWEALTH OF AUSTRALIA.

An Act to provide for the grant of Pensions upon the death or incapacity of members of the Defence Force of the Commonwealth and members of the Imperial Reserve Forces resident in Australia whose death or incapacity results from their employment in connection with warlike operations. (No. 34 of 1914.) Assented to 21st December, 1914.

Rates of pensions :—

(a) In case of the death of a member of the Forces :

(i.) to the widow, the rate specified in column 2 of the Schedule opposite to the rate of pay of the member, and (ii.) to each child the rate of £13 per annum.

(iii.) to the other dependants such rates as are assessed by the Pensions Board, but not exceeding in the aggregate the rate specified in column 2 of the Schedule opposite to the rate of pay of the member, plus £52 per annum.

(b) In case of the total incapacity of a member of the Forces :

(i.) to the member, the rate specified in column 3 of the Schedule opposite to the rate of pay of the member ;

(ii.) to the wife of the member, 50 per cent. of that rate ;

(iii.) to each child of the member, the rate of £13 per annum.

(c) In case of partial incapacity of a member of the Forces, such less rates than those referred to in paragraph (b) as are assessed by the Pensions Board, having regard to the nature and probable duration of the incapacity.

### II. NEW SOUTH WALES.

- 1 An Act to provide for the control of necessary commodities and for purposes incidental thereto. (No. 18, 1914.) Assented to 25th August, 1914. (N.S.W. Industrial Gazette VI., 853.)

[Appointment of a Commission consisting of three persons whose duty it shall be to inquire into and report as to the prices of necessary commodities ; declaration of maximum prices by the Governor ; penalty for offering for sale at higher than declared prices ; seizure of necessary commodities by the State for redistribution to the public.]

- 2 An Act to enable the Government to compulsorily acquire wheat in New South Wales ; to provide for compensation for wheat so acquired and for its sale and distribution ; to provide for varying or cancelling certain contracts for the sale and delivery of wheat ; and for purposes consequent thereon or incidental thereto. (No. 27, 1914.) Assented to 11th December, 1914.

- 3 An Act to secure supplies of meat for the uses of His Majesty's Imperial Government during War, and for other purposes. (No. 6, 1915.) Assented to 17th February, 1915. (N.S.W. Industrial Gazette VII., 738.)

[All meat and stock to be held for Imperial uses ; prices to be fixed by a Board.]

### III. VICTORIA.

- 1 An Act to make provision against undue restriction of the supply of goods or undue raising of the prices of seeds in time of war. (No. 2516.) 9th September, 1914.

[The Governor in Council may appoint a " Prices Board " to inquire into and report to the Government as to the highest selling price.]

- 2 An Act relating to the Distribution, Export and Prices of Foodstuffs and other Commodities and to compel the supplying of information in relation thereto. (No. 2517.) 10th September, 1914.

[The Prices Board referred to above is required to investigate and from time to time report to the Governor in Council upon the distribution, export and prices of foodstuffs and other commodities ; persons having in their possession foodstuffs are required to furnish returns from time to time.]

- 3 An Act to continue the Foodstuffs and Commities Act, 1914. (No. 2572.) 30th December, 1914.

- 4 An Act to amend and continue the Price of Goods Act, 1914. (No. 2577.) 30th December, 1914.

- 5 An Act to continue the Foodstuffs and Commodities Acts. (No. 2579.) 30th April, 1915.

- 6 An Act to continue the Price of Goods Act, 1914, and the Price of Goods Act 1912 (No. 2), and to repeal §2 of the last mentioned Act. (No. 2580.) 30th April, 1915.

### IV. NEW ZEALAND.

*Judgment of the Court of Arbitration in re Hearing of Industrial Disputes.*  
(Journal of the Department of Labour, April 1915 ; No. 266, p. 234.)

In the Court of Arbitration of New Zealand, Wellington Industrial District : In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments ; and in the matter of the hearing of industrial disputes during the period of the War. Application that the Court resume the hearing of industrial disputes.—Hearing, Wellington, 16th and 17th March, 1915 ; Judgment, 26th March.—Mr. Carey in support of the application ; Mr. Pryor, for the employers, to oppose.



*Judgment of the Court, Delivered by Stringer.*

At a sitting of this Court held in August last we pointed out that, as our country had become involved in a great European War, it was impossible to forecast what effect this might have upon the commerce and industries of the Dominion. We therefore suggested that it would be unwise, if not improper, to attempt to make awards purporting to regulate industries under conditions of which we had no previous experience, and we asked for an expression of opinion on the subject from representatives of both employers and workers. On the following day we were supplied with the text of resolutions passed at representative meetings of employers and labour organisations. The employers were of opinion that the Court should suspend operations during the crisis, as it was thought that the Court would not be justified in making any awards in view of the fact that it was impossible to foresee "the industrial conditions of the immediate future." The labour organisations agreed that disputes should be adjourned "till normal conditions were reached again."

The Court accepted these representations as indicating a general agreement with the suggestions we had made as before mentioned, and the Court then adjourned, expressing the belief that employers and workers would meet one another in a fair and reasonable spirit, and make satisfactory arrangements between themselves in any industry which might prove to be particularly affected by the war. We understand from Mr. Carey on behalf of the workers, and it was admitted by Mr. Pryor, the employers' representative, that since the announcement made by the Court, the employers had taken up the attitude that they would not consider any disputes, and would not take any part in any proceedings before the Conciliation Councils during the continuance of the war, and had justified this attitude as being the result of a supposed ruling of the Court. We can only say that the employers have proceeded under a misapprehension of the Court's opinion on the matter. It was never intended by us that the entire machinery of the Conciliation and Arbitration Act, so far as it relates to industries, should remain inoperative for the whole period of the war, and nothing was said by us which could bear such an interpretation. The object we had in view was to refrain from making awards until a reasonable time had elapsed after the commencement of the war, in order that the effect of the war upon our commerce and industries might be properly understood and appreciated, and was not intended to be other than a mere temporary expedient until conditions had reached something like a state of stable equilibrium. We have now experienced nearly eight months of the war, and are in a position to form an opinion as to how it has affected and is likely to affect our commerce and industries, and it is safe to say that there is a general consensus of opinion of those best qualified to know that, although certain industries are suffering from the effects of the war, the Dominion as a whole has been singularly free from any ill-effects resulting therefrom, and it is enjoying a degree of prosperity quite remarkable in the circumstances, largely due, no doubt, to the exceptionally high prices being obtained for all our primary products. That being the case, we can see no reason or justification for refusing to resume our functions. It was said by Mr. Pryor that if the Court decided to again hear and consider disputes many businesses would be ruined, that there would be a great increase in the number of unemployed, and that it would be disastrous to employers, workers and the community generally. We think there is probably a good deal of rhetorical exaggeration in this statement; but even were it true, how can this Court, established by law for the express purpose of hearing and determining industrial disputes,

presume to deny suitors access to it, when approached by the methods prescribed by law? To do so would be to take upon ourselves the responsibility of abrogating the law and to assume the functions of the Legislature.

We quite realise that, as evidenced by the reports from representatives of various industries put in by Mr. Pryor, many of these industries are probably quite unable to bear any further burdens in the shape of shorter hours or higher wages, but it must be assumed that these matters will receive due consideration, both by Conciliation Councils and the Court, in the event of any disputes arising in connection with such industries. As was said by Mr. Justice Edmunds in the New South Wales Arbitration Court in dealing with a similar application to the present one, there are three classes of cases to be considered : (1) Those in which the war will cause a stoppage or a substantial reduction of the industry ; (2) those which are not materially affected by the war ; and (3) those which are profiting by the war. It is obvious that different considerations will apply to each of these cases, and it is to be hoped that the workers will be actuated by an intelligent self-interest, and will carefully refrain from attempting to impose fresh burdens upon those industries which cannot reasonably be expected to bear them. If they do they must not expect to obtain a sympathetic hearing from the Court.

It may also be stated that the Court would in no case make an award without reserving to itself the right at any time in the event of exceptional conditions arising, to cancel, suspend or amend such award either on the application of either of the parties or of its own motion. Our decision is that the business of the Court must now proceed as usual.

## VI. Roumania

The " *Moniteur du Commerce Roumain* " (1915, No. 5, p. 72) contains a Royal Decree, dated 2nd/15th April, 1915, which brings into operation the provisions of §§27-29 of the Act respecting extraordinary measures, dated 23rd December, 1914/5th January, 1915 (fixing of maximum prices), on 5th/18th April, 1915, and also a resolution of the Ministry of Industry and Commerce, of the same date, fixing the maximum prices.

## VII. Russia

Decree respecting the admission of persons of the female sex and young persons under 15 to work at night and underground in the coal mines of European Russia. 23rd February/9th March, 1915. (*Sobranie uzak*, 6th-20th March, 1915 ; No. 90.)

His Majesty the Tsar issued, on 9th-22nd March, 1915, in accordance with a resolution of the Ministerial Council and in pursuance of §87 of the Laws of the Empire (Vol. I., Part I., Edition 1906), the following Decree temporarily to amend and supplement the legal provisions in question until the conclusion of warlike operations :—

Persons of the female sex and such young persons as have not reached the age of 15 years shall be admitted to work at night and underground in the coal mines of European Russia, subject to the observance of the following Rules :

(1) Young persons shall not be employed in underground work in the daytime for a period exceeding 8 hours, or at night, exceeding 6 hours, in 24, subject to the condition that in the course of the working day following after night-work, young persons shall not be readmitted to work for a period of 12 hours from the cessation of such night-work.

(2) Persons of the female sex having been employed at night shall not be employed again earlier than midday on the day following the night-work.

(3) Persons of the female sex and young persons shall only be admitted to night and underground work on condition that they are shown, by a previous examination undertaken for the purpose by the mines medical officer, or where there is no such person, by the rural or municipal medical officer, to be suited, from the point of view of their strength and health, for the said work. And

(4) It shall rest with the local mining authorities, in agreement with the governors concerned, to issue special lists of processes in which persons of the female sex and young persons may be employed.

## VIII. Spain

*Real orden respecto al precio de las subsistencias.* 10 de Abril de 1915. (Butletí del Museu Social, 1915, 102.)

Royal Order respecting the prices of articles of subsistence. Dated 10th April, 1915.

1. The Civil Governors shall inform the Subsistence Committees (Junta de subsistencias) of the prices of the foreign cereals purchased through their agency.

2. In view of these prices, and of the prices prevailing locally or in neighbouring markets and with the help of any other data available, the Committee shall see that the prices of flour stand in the right relation to those of the cereals themselves; in this connection the price of flour shall not exceed that of the grain by more than 10 to 11 pesetas in the case of grain coming from the United States, Catalonia, Aragon, New Castile, Andalusia, Estremadura, etc., and 11 to 12 pesetas in the case of grain coming from Argentina, Old Castile, Navarra, Rioja, etc.

3. The price per kilogram of bread of ordinary quality shall not exceed the price per kilogram of flour in the various localities.

4. The Committees shall, in addition, supervise the retail sale of other articles of subsistence, such as rice, chick-peas, potatoes, beans, olive oil, butter and fat, taking into consideration the cost of production, the expenses of sale and the markets, in such a way that the profit on the sale in question shall not exceed 15 per cent.

5. Once the completeness of supply is ensured, no obstacles or formalities should be imposed upon inland trade and coast shipping, except in so far as concerns consignments of grain and flour for which the local authorities have demanded security.

6. The Civil Governors, as chairmen of the Subsistence Committees, shall take the necessary steps towards the enforcement of the preceding instructions.



## IX. Switzerland

*Kreisschreiben des Bundesrates an sämtliche Kantonsregierungen betr. die Beschaffung von Arbeit. Vom 9 Oktober, 1915. (Schweiz-Bundesblatt 1915, III., 349).*

Circular of the Federal Council addressed to all the Cantonal Governments respecting the provision of work. 9th October, 1915.

In a petition dated 20th July, 1915, the Swiss Industrial Union and the Swiss Federation of Trade Unions proposed various measures with the object of assisting manufacturers and workers in industrial occupations who are suffering from the prevailing conditions.

The proposals dealing with the giving out of public contracts, the undercutting of prices and reductions of wages, and the payment of contributions for the support of unemployed persons belonging to a trade, require still further investigation, in which the petitioning bodies are participating.

A further request is to the effect that the Federal Council should consider providing increased opportunities for work, and approach the cantonal and communal authorities in the same sense. This demand is based on known facts, and consequently needs no special investigation; so that we are able, without further question, to give such effect to it as is possible in the prevailing circumstances.

The petition draws attention, *inter alia*, to the fact that, besides the hotel industry, the building trade is suffering especially severely from the present crisis. The petitioners assert that, in spite of the withdrawal of many foreign workers, and in spite of mobilisation, the number of persons totally unemployed is large enough to demand attention; that at the present time the number of workers absolutely without earnings in Swiss industry is more than 10 per cent., and those having lost part of their earnings far in excess of 30 per cent.; that these are in the large majority of cases Swiss workers; that to these there should be added a considerable number of small masters without work, and even of owners of large undertakings, while others have to face a heavy loss of profits; that this state of affairs is likely to become seriously worse next winter.

It should be noted, in addition, that not only is the building trade, strictly speaking, suffering from lack of orders, but also that numerous branches of work are likewise affected which provide the materials for buildings and excavation works, or which are connected with the building trade in some other way. The effects of the loss of earnings in their case are, moreover, especially severe in proportion, because the number of employers and workers concerned is very large in comparison with other occupations.

The circumstances are, indeed, such that they call urgently for remedy. Naturally, the provision of opportunities for work is the most effective means of combating unemployment, and also best as regards the moral effect upon the persons needing assistance. The widespread hesitation in giving orders for work, in the first months after the war began, was comprehensible. Since then, however, the pressing need of earnings on the part of large groups of the population, both independent and dependent workers, has imposed itself emphatically. The earlier view of the position must consequently yield to another: authorities should provide work on an intelligent plan, instead of holding back orders. In this connection not only the building trade should be considered, but also other branches of economic activity which are suffering from the prevailing lack of work.

Indisputably it is the moral duty of public administrations (Confederations, cantons, communes, corporations) to combat unemployment by providing work. Financial considerations do, indeed, stand in the way of the fulfilment of this duty; but these should not be decisive, and ought to yield to considerations of a higher order; in case of need, the community must finally intervene with the means at its disposal. The provision of work should be undertaken by each authority, in its district, in accordance with a well-considered plan, and at the right time. The manner of proceeding must be determined in accordance with the circumstances in the different districts, and will best be decided upon by the authorities concerned with the co-operation of the industrial organisations.

But even private persons can contribute effectively and usefully towards the improvement of the state of affairs by giving orders for work and supplying finished products in proportion to the means available. In any case, the carrying out of plans of this kind already in existence should not be postponed. The fact should be generally recognised that this manner of acting is doing a very important public service. The present position will, however, offer personal advantages to many persons giving orders.

We must not, however, omit to draw attention to the fact that the giving out of work will assist the contractors and workers effectively only if the prices paid are based on proper estimates.

The Loan Fund of the Swiss Confederation will be prepared gladly to give advances on security (*faustpfändliche Sicherheit*) to cantons, communes, and private persons who enter upon building schemes.

We recommend you urgently to take, jointly with the authorities subject to you, such measures as may be appropriate to combat unemployment in the manner contemplated in the present circular; and we express the confident hope that the desired results will be attained in this way, and by making the danger which threatens clear to all.

In spite of the unfavourable financial position, the Confederation has, since the dislocation caused by the war began, endeavoured as far as possible to provide opportunities to work, in order to mitigate the economic crisis. The works of construction projected by the Confederation before the war began have been carried out, as well as others which proved necessary afterwards. Canalisation works, drainage works, dam works, afforestation schemes, forests, roads, and ground improvements, have been subsidised and promoted as much as possible. In this manner the Confederation will continue to act in future, so long as the dislocation caused by the war lasts, in order to combat unemployment as far as possible.

**2. Bundesratsbeschluss betr. die Bewilligungen ausnahmsweiser Organisation der Arbeit in Fabriken.** Vom 16. November 1915. (Schweiz. Gesetzsammlung 1915, Nr. 46, S. 390.)

Federal resolution respecting permission to organise work in an exceptional manner in factories. 16th November, 1915.

1. The exemptions which may be allowed to factories collectively in pursuance of the Factory Act by the Cantonal Governments or by the districts or local authorities, as the case may be, are those dealing with the following matters:—

(a) the extension of the 11-hour working day on not more than 86 days annually by not more than two hours a day;

(b) the extension of hours of work annually on not more than 12 days preceding Sundays and holidays ;

(c) work on not more than 30 nights annually ;

(d) work on not more than 12 Sundays annually.

The days and nights on which earlier exemptions have been used since 1st January, 1915, shall be included in the maximum numbers of days and nights contemplated in this Section.

2. The Cantonal Governments shall, in addition, have power to issue to individual factories exceptional permits to work in a manner not in conformity with the provisions of the Factory Act, if this is necessary in the interests of national defence, or if the continuation of the undertaking can only be secured in this way, or if the exception is specially justified by extraordinary economic conditions.

3. Exemptions may be allowed in pursuance of §2 beyond the limits designated in §1, permitting the manufacturer—

(a) to organise daily work in shifts and to work without interruption by day ;

(b) to reduce the midday break to less than one hour ;

(c) to extend the 11-hour working day on more than 80 days in the year by not more than two hours a day ;

(d) to extend hours of work annually on more than 12 days preceding Sundays and holidays ;

(e) to work on more than 30 nights annually ;

(f) to work on more than 12 Sundays annually ;

(g) to employ women over 18 and male persons over 16 at night.

4. It shall not be lawful to allow exemptions not contemplated in §§1 and 3.

5. In the cases contemplated in §1 the Cantonal Governments shall have power, when this course seems justified, to attach to the various exemptions the condition that the factory-owner shall pay the workers concerned an addition to their wages of 25 per cent :

(a) for the time worked by any worker in excess of the 11-hour working day ;

(b) for the time worked by any worker in excess of the nine-hour working day, on days preceding Sundays and holidays ;

(c) for night-work and Sunday work of a few hours' duration or for complete shifts.

The Cantonal Governments may transfer this power to the district or local authorities, in so far as these are competent to allow exemptions.

6. In the cases contemplated in §3 the exemptions shall be allowed subject to the condition that the factory-owner shall pay the workers concerned an addition to wages—

(a) of 25 per cent. for the time worked by any worker in excess of the 11-hour working day ;

(b) of 25 per cent. for the time worked by any worker in excess of the nine-hour working day on days preceding Sundays and holidays ;

(c) of 50 per cent. for night-work and Sunday work of a few hours' duration or for complete shifts.

7. The Cantonal Governments shall notify the Swiss Factory Inspector of all exemptions allowed.



The said Inspector shall report to the Swiss Department of National Economy on any exemptions allowed in pursuance of §§2 and 3 which he considers to be too far-reaching. The Department shall have power to revoke exemptions which are excessive or to order their limitation.

8. The regulations of the competent Swiss authorities applying to the factories of the Confederation shall not be affected hereby.

9. Current exemptions which are contrary to this Resolution shall be brought into conformity with the same by 15th December, 1915, or, if this is not practicable, withdrawn altogether.

10. This resolution shall come into force on 22nd November, 1915.

**3. Kreisschreiben des Bundesrates an sämtliche Kantonsregierungen betreffend die Bewilligungen ausnahmsweiser Organisation der Arbeit in Fabriken.**  
Vom 16. November, 1915.

Circular of the Federal Council to all Cantonal Governments respecting permission to organise work in an exceptional manner in factories. 16th November, 1915.

In a circular dated 11th August, 1914\*, we authorised you "to allow factories to introduce, during the continuance of the present conditions, a system of working which derogates from the provisions of the Factory Act, more especially as regards working hours, night and Sunday work and the employment of women and young persons." This power, we added, only applies "to cases where this is the only possible way of continuing the work."

As we have been able to ascertain from the reports of the factory inspectors, the Cantonal Governments have made fairly wide use of this power and have, in particular, allowed exemptions from the Act when this was required by the present special economic conditions or in the interests of national defence, that is to say not only when, as we said, the undertaking could be continued only by this means.

The earlier circular (11th August, 1914) originated in the early times of the mobilisation. At that time the important thing was to remove difficulties which had arisen from the calling up of the whole of our forces. At present, these conditions do not exist to the same extent; nevertheless, even now serious difficulties are liable to arise temporarily from the calling up of particular divisions of the Army, if no suitable substitutes are found for the mobilised workers, consequently the time has not yet come to revoke the powers given.

Obvious considerations of national defence require, in addition, that the possibility of intensive work in particular factories, not being in accordance with the Factory Act, should not be excluded, if by this means alone it is possible to satisfy the requirements of the Army.

But, as we have already pointed out, the Cantonal Governments have also considered other cases, and allowed exemptions from the Factory Act when this seemed justified by actual economic conditions. In view of present needs, we do not wish, in the interests of industry and of the workers, to exclude this possibility either. It is, for instance, possible in practice that an order can only be procured at the present time if its prompt execution can be guaranteed, or that a factory is bound to work especially intensively in order to make it possible for another undertaking to be kept working and its workers employed. In normal times a different remedy would be found. At present, this may often be impossible.

Nevertheless, it is desirable to be cautious and restrained. We rely on the perspicuity and uprightness of the Cantonal Governments and their officials to see that permission to work in a manner contrary to the ordinary conditions of work shall only be given when this is absolutely necessary and unavoidable. It would be well also to examine the reasons for the applications closely and to inquire into the possibility of satisfying requirements by different means. In this connection care should be taken, in particular, not to allow overtime in cases where the necessary production might be secured by taking on further available workers.

\* Text E.B. X., p. 75, No. 4.

In order to make the position more clear, we have issued a formal Resolution, which we are transmitting to you for administration. In explanation of the resolution, the following observations may be made :

The Factory Act allows so much latitude as regards exemptions that its provisions could be almost entirely suppressed as far as the spirit of the Act is concerned. We have consequently thought it necessary to define the exceptional exemptions which can come under the Factory Act in practice, and, on the other hand, to indicate exactly the manner in which it is possible to override the provisions of the Act, if necessary.

As regards the restrictions which we attach to exemptions under the Act, we rely partly on the provisions of the new Factory Act. Thus, we allow under §3 (a) of the Federal Council's Resolution, the use of a method of work which is unknown to the present Factory Act (organisation of day work in shifts and uninterrupted day work). We prefer this system with moderate hours of work to allowing overtime to an excessive degree. This is why we have, in addition, reduced the amount of overtime to two hours a day. Henceforth the workers should not in any case be employed for more than 13 hours, even when the conditions are satisfied for allowing exemptions beyond the scope of the Act. In addition, we have decided not to allow permits for the employment of female persons under 18 years of age and male persons under 16 years of age at night, nor those for employing women and young persons on Sundays, nor finally, those for the employment of children under 14.

The considerable number of applications for permission to work overtime has caused certain Cantonal Governments on their own authority, to attach to the granting of exemptions the condition that an increase of 25 per cent. in the wages should be paid for such overtime. In practice this requirement is justified in the majority of cases, although it is well to observe that an increase is often given without compulsion. However, the Cantonal authorities are not authorised in any case to attach to exemptions on their own authority conditions which are not based upon the Factory Act. If this procedure were permissible uniformity in factory conditions would disappear, and each Canton would be in a position to set up special provisions applying within their territory. The opinion of one of the Cantonal Governments to the effect that the authorities which have power to grant or refuse to grant an exemption must be able to attach to the same whatever conditions they please, is obviously entirely erroneous. The considerations leading to the granting or rejecting of an application must be based upon the Act itself, and the Federal Council, as supreme Supervisory Authority, is bound to see that this is the case. Consequently we approve entirely the standpoint which our Department of National Economy has adopted in this matter.

An inquiry has, as we have already stated, shown that the Cantonal Governments have, under the pressure of circumstances, shown considerable latitude in the granting of exemptions, even of such as go beyond the provisions or the intentions of the Factory Act. Extraordinary measures may be justified by the fact that some exemptions no longer come within the legal limits and are only justified in the special circumstances of the present time, and on the other hand by the undisputed increase in the cost of living and we desire to check the rush of applications in some measure. We have consequently decided to issue for the guidance of the Cantons principles of an extraordinary and provisional character, for introducing increases of wages.

In carrying out these principles, we distinguish two groups :—

(1) Exemptions which go outside the provisions of the Factory Act. The granting of such exemptions rests exclusively with the Cantonal Governments and not with the district or local authorities. The classes of wage increases indicated in the resolution are compulsory for this group and corresponding conditions should be included in the permits. If these are not observed the permits should be withdrawn immediately.

The reason for the increase of 50 per cent. in the wages paid for night work and Sunday work is to be found in the fact that such work makes especially heavy claims upon the workers and is contrary to the intentions of the Act.

(2) Exemptions in pursuance of the Factory Act. Power to grant such exemptions rests partly with the Cantonal Governments and partly with the district and local authorities.

In the case of this second group, the Cantonal Governments are not bound to require increases of wages. But we desire to give them the possibility of doing so in cases where this seems expedient; the increase is 25 per cent. in this case. In this connection we have in mind cases where profitable orders give rise to a considerable prolongation of the hours of work. It is not permissible to introduce these increases in the Canton by a general solution, but each individual case should be decided on the basis of a careful examination of the special circumstances.

Directly the maximum numbers of ordinary work-days, Saturdays, nights and Sundays are exceeded, the requirements of §§2 and 3 come into force, and with them the compulsory increase in wages. The Cantonal authorities must exercise continual supervision in this matter; the days and nights in respect of which exemptions have been allowed and used since the beginning of 1915, as well as those granted by district and local authorities must be included in the maximum numbers.

It should be observed that work up to 11 hours, even when the factory rules provide for a shorter period of employment, requires no special permit within the meaning of our resolution.











# International Association for Labour Legislation

Central Office: BASLE, SWITZERLAND.

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1. To serve as a bond of union to all who believe in the necessity of Labour Legislation.
2. To organise an International Labour Office.
3. To facilitate the study of Labour Legislation in all countries and provide information on the subject.
4. To promote international agreements on questions relating to conditions of labour.
5. To organise International Congresses on Labour Legislation.

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